

ORDINANCE NUMBER O- 18664 (NEW SERIES)

ADOPTED ON JUL 26 1999

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY RENUMBERING DIVISION 20 TO DIVISION 1; BY AMENDING AND RENUMBERING SECTIONS 27.2001, 27.2002 AND 27.2003 TO SECTIONS 27.0101, 27.0102, AND 27.0103; BY ADDING NEW SECTIONS 27.0104 AND 27.0105; BY AMENDING AND RENUMBERING SECTIONS 27.2004 AND 27.2005 TO SECTIONS 27.0106 AND 27.0107; BY ADDING NEW SECTION 27.0108; BY AMENDING AND RENUMBERING SECTIONS 27.2006, 27.2007 AND 27.2014 TO SECTIONS 27.0109, 27.0110 AND 27.0111; BY REPEALING SECTIONS 27.2008, 27.2009, 27.2010, 27.2011, 27.2012, 27.2013, 27.2015 AND 27.2016; BY ADDING NEW SECTION 27.0112; BY AMENDING AND RENUMBERING SECTIONS 27.2017, 27.2018, 27.2019, 27.2020, 27.2021, 27.2022 AND 27.2023 TO SECTIONS 27.0113, 27.0114, 27.0115, 27.0116, 27.0117, 27.0118 AND 27.0119; BY ADDING NEW DIVISION 4, TITLED "GENERAL PROVISIONS FOR BALLOTS;" BY ADDING NEW SECTIONS 27.0401, 27.0402, 27.0403, 27.0404, 27.0405, 27.0406, 27.0407, 27.0408, 27.0409, 27.0410, 27.0411 AND 27.0412; BY ADDING NEW DIVISION 5, TITLED "BALLOTS FOR MEASURES;" BY ADDING NEW SECTIONS 27.0501, 27.0502, 27.0503, 27.0504, 27.0505, 27.0506, 27.0507, 27.0508, 27.0509, 27.0510, 27.0511, 27.0512, 27.0513, 27.0514, AND 27.0515; BY AMENDING AND RENUMBERING DIVISION 22 TO DIVISION 6, TITLED "BALLOTS FOR CANDIDATES;" BY ADDING NEW SECTIONS 27.0601 AND 27.0602; BY AMENDING AND RENUMBERING SECTION 27.2201 TO 27.0603; BY ADDING NEW SECTION 27.0604; BY REPEALING SECTIONS 27.2202 AND 27.2203; BY ADDING NEW SECTIONS 27.0605, 27.0606, 27.0607 AND 27.0608; BY AMENDING AND RENUMBERING SECTION 27.2204 TO SECTION 27.0620; BY ADDING SECTIONS 27.0621, 27.0622, 27.0623, 27.0624, 27.0625, 27.0626, 27.0627 AND 27.0628; BY AMENDING AND RENUMBERING SECTION 27.2204.1 TO

SECTION 27.0634; BY ADDING NEW SECTION 27.0635; BY AMENDING AND RENUMBERING SECTIONS 27.2205 AND 27.2205.1 TO SECTIONS 27.0636 AND 27.0637; BY REPEALING SECTIONS 27.2206 AND 27.2207; BY ADDING NEW SECTION 27.0638; BY ADDING NEW DIVISION 7, TITLED "GENERAL PROVISIONS FOR FILLING VACANCIES IN ELECTIVE OFFICES;" BY ADDING NEW SECTIONS 27.0701, 27.0702, 27.0703, 27.0704, 27.0705, 27.0706, 27.0707, 27.0708 AND 27.0709; BY AMENDING AND RENUMBERING DIVISION 31 TO READ DIVISION 8, "PROCEDURE FOR FILLING VACANCIES IN ELECTIVE OFFICES BY APPOINTMENT;" BY AMENDING AND RENUMBERING SECTION 27.3101 TO 27.0801; BY REPEALING SECTION 27.3102; BY ADDING NEW SECTION 27.0802; BY AMENDING AND RENUMBERING SECTIONS 27.3103 AND 27.3104 TO SECTIONS 27.0803 AND 27.0804; BY ADDING NEW SECTION 27.0805; BY AMENDING AND RENUMBERING SECTIONS 27.3105, 27.3106, 27.3107 AND 27.3108 TO SECTIONS 27.0806, 27.0807, 27.0808 AND 27.0809 RESPECTIVELY; BY REPEALING SECTION 27.3109; BY AMENDING AND RENUMBERING DIVISION 24 TO DIVISION 9, TITLED "PROCEDURE FOR FILLING VACANCIES IN ELECTIVE OFFICES BY SPECIAL ELECTION;" BY REPEALING SECTIONS 27.2401, 27.2402, AND 27.2403; BY ADDING NEW SECTIONS 27.0901, 27.0902, 27.0903, 27.0904, 27.0905 AND 27.0906; BY AMENDING AND RENUMBERING SECTION 27.2404 TO SECTION 27.0907; BY RENUMBERING DIVISION 25 TO DIVISION 10; BY AMENDING AND RENUMBERING SECTIONS 27.2501, 27.2504, AND 27.2505 TO SECTIONS 27.1001, 27.1002, AND 27.1003; BY ADDING NEW SECTION 27.1004; BY AMENDING AND RENUMBERING SECTIONS 27.2506, 27.0509, AND 27.0508 TO SECTIONS 27.1007, 27.1008, AND 27.1009; BY REPEALING SECTION 27.2507; BY ADDING NEW SECTIONS 27.1010 AND 27.1011; BY AMENDING AND RENUMBERING SECTION 27.2512 TO SECTION 27.1012; BY ADDING NEW SECTION 27.1013; BY AMENDING AND RENUMBERING SECTION 27.2510 TO SECTION 27.1014; BY AMENDING AND RENUMBERING SECTIONS 27.2511 AND 27.2519 TO SECTIONS 27.1017 AND 27.1018; BY ADDING NEW SECTION 27.1019; BY AMENDING AND RENUMBERING SECTION 27.2513 TO 27.1020; BY ADDING SECTION 27.1021; BY AMENDING AND RENUMBERING

SECTION 27.2514 TO SECTION 27.1022; BY ADDING SECTIONS 27.1025 AND 27.1026; BY AMENDING AND RENUMBERING SECTIONS 27.2515 AND 27.2516 TO SECTIONS 27.1027 AND 27.1028; BY AMENDING AND RENUMBERING SECTIONS 27.2502, 27.2520, 27.2503, 27.2521, 27.2522 AND 27.2523 TO SECTIONS 27.1031, 27.1032, 27.1033, 27.1034, 27.1035, AND 27.1036; BY ADDING SECTION 27.1037; BY ADDING SECTION 27.1040; BY AMENDING AND RENUMBERING SECTIONS 27.2530 AND 27.2529 TO SECTIONS 27.1041 AND 27.1042; BY ADDING SECTION 27.1043; BY AMENDING SECTIONS 27.2527 AND 27.2526 TO SECTIONS 27.1044 AND 27.1045; BY AMENDING AND RENUMBERING SECTIONS 27.2525 AND 27.2528 TO SECTIONS 27.1048 AND 27.1049; BY ADDING SECTION 27.1050; BY AMENDING AND RENUMBERING SECTION 27.2531 TO SECTION 27.1051; BY RENUMBERING DIVISION 26 TO DIVISION 11; BY RENUMBERING SECTION 27.2601 TO SECTION 27.1101; BY ADDING NEW SECTION 27.1102; BY AMENDING AND RENUMBERING SECTION 27.2603 TO 27.1103; BY AMENDING AND RENUMBERING SECTIONS 27.2604, 27.2605, 27.2606, 27.2607 AND 27.2608 TO SECTIONS 27.1106, 27.1107, 27.1108, 27.1109, AND 27.1110; BY ADDING NEW SECTION 27.1111; BY AMENDING AND RENUMBERING SECTION 27.2609 TO 27.1112; BY AMENDING AND RENUMBERING SECTIONS 27.2610, 27.2611, 27.2612 AND 27.2613 TO SECTIONS 27.1115, 27.1116, 27.1117, AND 27.1118; BY ADDING NEW SECTION 27.1119; BY AMENDING AND RENUMBERING SECTIONS 27.2614 AND 27.2617 TO SECTIONS 27.1120 AND 27.1123; BY ADDING NEW SECTION 27.1124; BY AMENDING AND RENUMBERING SECTIONS 27.2615, 27.2616, 27.2602, 27.2618, 27.2619, 27.2620, AND 27.2621 TO SECTIONS 27.1125, 27.1126, 27.1129, 27.1130, 27.1131, 27.1132, AND 27.1133; BY ADDING NEW SECTION 27.1136; BY AMENDING AND RENUMBERING SECTIONS 27.2624 AND 27.2623 TO SECTIONS 27.1137 AND 27.1138; BY ADDING NEW SECTION 27.1139; BY AMENDING AND RENUMBERING SECTION 27.2622 TO SECTION 27.1140, ALL RELATING TO ELECTIONS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 7, of the San Diego Municipal Code be and the same is

hereby amended by renumbering Division 20 to Division 1 [No change in title].

Section 2. That Chapter II, Article 7, of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Sections 27.2001, 27.2002, and 27.2003 to Sections 27.0101, 27.0102, and 27.0103, to read as follows:

**27.0101 Purpose and Intent**

The purpose and intent of Chapter 2, article 7, is to provide an expeditious and complete procedure for the people's right to exercise the vote. If there is any ambiguity or contradiction between the provisions of general law and the provisions of this article, the provisions of this article shall govern. The divisions relating to initiative, referendum, and recall (including the initiative provisions relating to Charter amendments) are exclusive as required by the Charter.

**27.0102 Substantial Compliance Sufficient**

Substantial compliance with the provisions of this article shall be deemed sufficient to hold a valid *election*.

**27.0103 Definitions**

Terms specific to this article are defined in this section.

Defined terms are noted by italics.

*"Ballot Materials"* means those items printed on the ballot or in the *voter pamphlet* relating to *measures* or *candidates*.

(a) For ballot *measures*, *ballot materials* include the

ordinance placing the *measure* on the ballot, which contains the *ballot question*. They also include the impartial analysis, if any; the fiscal impact analysis, if any; and arguments for and against the *measure*, if any.

(b) For *candidate elections*, *ballot materials* include the ordinance placing the names of the *candidates* on the ballot, the ballot designation of the *candidate*, and the statement of *candidate's* qualifications.

"*Ballot Question*" means the condensed statement of a *measure* being submitted to the *voters*, as that statement appears on the ballot. The *ballot question* may or may not be phrased as a question.

"*Board of Supervisors*" means the Board of Supervisors of the County of San Diego.

"*Candidate*" means any individual who

(a) is listed on the ballot for *elective City office*; or

(b) has begun to circulate nominating *petitions* or authorized others to do so on his or her behalf for nomination for or *election* to a City office; or

(c) has received a contribution or made an expenditure or authorized another person to receive a contribution or make an expenditure with the intent to bring about his or her nomination for

or *election* to any City office; or

(d) is a City office holder who becomes the subject of a recall *election*. A City office holder “becomes the subject of a recall *election*” on the date a notice of intention to circulate a recall *petition* is published pursuant to the recall provisions of this article.

“*City-wide General Election*” means either of the following:

(a) the *election* at which the Mayor and City Attorney are elected unless such officers are elected at the *City-wide Primary Election*; or

(b) a City-wide municipal *election* consolidated with the statewide *election* on the first Tuesday after the first Monday in November of each even-numbered year.

“*City-wide Primary Election*” means the *election* at which the Mayor and City Attorney are nominated.

“*Circulator*” is an individual who gathers signatures on a nominating, initiative, referendary or recall *petition*. It includes an individual who gathers signatures on a Charter amendment *petition*.

“*Clerk*” means the City Clerk of The City of San Diego.

“*Council*” means the City Council of The City of San Diego.

*“District General Election”* means an *election* at which *Council candidates* are elected unless such officers are elected at the *District Primary Election*.

*“District Primary Election”* means an *election* at which *Council candidates* are nominated.

*“Election”* means a *District or City-wide Primary Election*, a *District or City-wide General Election*, or a *special municipal election* held in the City of San Diego. It may also mean an *election* of the San Diego Unified School District.

*“Elective Office”* means the office of the Mayor, Councilmember, or City Attorney of the City of San Diego. It may include the office of a member of the governing board of the San Diego Unified School District.

*“Enforcement Authority”* means the City Attorney or other special prosecutor designated by resolution of the *City Council*. Nothing in this article limits the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this article under any circumstances where the law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

*“Measure”* means any City Charter amendment or proposition which is

(a) submitted to a popular vote at a *City election* by action

of the City *Council*; or

(b) submitted or intended to be submitted to a popular vote at a City *election* by the procedure of initiative or referendum whether or not it qualifies for the ballot. A *measure* and a proposition are synonymous.

“*Person*” has the same meaning as that term is defined in Municipal Code Section 11.0210.

“*Petition*” means one or more documents seeking action by the City *Council* or some officer. It includes a nominating, initiative, referendary, or recall *petition*.

“*Proponent*” means the *person* who proposes an initiative, referendary or recall *petition* and who has control of the circulation and filing of the *petition* with the City *Clerk*. It includes a *person* who proposes a Charter amendment *petition*.

“*Registrar*” means the Registrar of Voters of the County of San Diego, or a duly appointed deputy.

“*Special Election*” means any *election* other than a *District* or *City-wide Primary Election*, or *District* or *City-wide General Election*. It includes all *elections* to consider ballot *measures* as well as *elections* to fill vacancies in *elective office* and recall *elections*.

“*Voter*” means an elector who is qualified and entitled to



vote under general law in San Diego City *elections* and who is validly registered at the time he or she seeks to exercise the right to vote.

“*Voter Pamphlet*” means the *voter* information pamphlet compiled and distributed with the sample ballot for each *election*.

Section 3. That Chapter II, Article 7, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding new Sections 27.0104 and 27.0105, to read as follows:

**27.0104 Computation of Qualified Voters**

Except for *petitions* to amend the Charter, when a stated percentage of *voters* is required, that percentage shall be computed using the number of registered *voters* in the City as of the close of registration for the most recent *District* or *City-Wide General Election*, starting with the *City-wide General Election* of November 3, 1998. For *petitions* to amend the Charter, that percentage shall be computed according to the *Registrar's* most recent official report of registration to the Secretary of State.

**27.0105 Counting of Words**

When a stated number of words is required by this article, the word count shall be determined using the City *Clerk's* published word count guidelines.

Section 4. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2004 and 27.2005 to Sections 27.0106 and

27.0107, to read as follows:

**27.0106 Elections to be Conducted Under this  
Article; Effect of State Law**

(a) All *elections* shall be conducted by the *City Clerk*, except that *elections* for members of the governing board of the San Diego Unified School District shall be conducted by the *Registrar* pursuant to Education Code Section 5303. This includes nomination procedures, and also applies to all special and recall *elections*.

(b) The procedures for seating members of the governing board of the San Diego Unified School District shall be the same as those for electing or appointing members of the *City Council* pursuant to this article, unless the governing board, at its option, adopts a resolution to have nominations conducted pursuant to other law.

(c) The procedures for the recall of members of the governing board of the San Diego Unified School District shall be the same as those for the recall of members of the *City Council* provided by this article, unless the governing board, at its option, adopts a resolution to have recall *elections* conducted pursuant to other law.

(d) All *elections* shall be conducted under the Charter and

this article. The City *Clerk* and City *Council* may rely on state *elections* law for guidance if there is no controlling provision in this article.

#### **27.0107 Calling of Elections**

(a) Except as provided in Section 27.0107(b), the City *Council* shall call all *elections* by ordinance and shall specify the purpose and time of each *election*.

(b) All *elections* of the San Diego Unified School District shall be called by that district.

Section 5. That Chapter II, Article 7, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding new Section 27.0108, to read as follows:

#### **27.0108 Effect of Majority Vote at Primary Election**

All *elective officers* of the City shall be nominated at a *District or City-wide Primary Election*. In the event one *candidate* receives the majority of votes cast for all *candidates* for nomination to a particular *elective office*, the *candidate* receiving the majority of votes shall be deemed to be, and declared by the *City Council* to be, elected to such office.

Section 6. That Chapter II, Article 7, of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Sections 27.2006, 27.2007 and 27.2014 to Sections 27.0109, 27.0110 and 27.0111, to read as follows:

#### **27.0109 Precincts**

The voting precincts shall be the precincts established by the *Board of Supervisors* or the *Registrar*.

**27.0110 Precinct Boards**

The precinct boards shall be those established by the *Registrar* pursuant to *election* laws of the State of California.

**27.0111 Delegation of Duties**

The City *Clerk* may delegate to the *Registrar* those duties assigned to the City *Clerk* by this article which can more properly be performed by the *Registrar*.

Section 7. That Chapter II, Article 7, of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 27.2008 through 27.2013, 27.2015, and 27.2016.

Section 8. That Chapter II, Article 7, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding new Section 27.0112, to read as follows:

**27.0112 Delegation of Authority to Deputy**

Any duty under state law or this Municipal Code required to be performed by the City *Clerk* may be performed by an authorized deputy of the City *Clerk* or by an individual authorized by the City *Clerk*.

Section 9. That Chapter II, Article 7, of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Sections 27.2017, 27.2018, 27.2019, 27.2020, 27.2021, 27.2022, and 27.2023 to Sections 27.0113, 27.0114, 27.0115, 27.0116, 27.0117, 27.0118, and 27.0119, to read as follows:

#### **27.0113 Retention of Documents**

All papers and documents relating to *elections* that are maintained by the City *Clerk* may be destroyed in accordance with the City *Clerk's* Records Disposition Schedule, if designated in that schedule, or two years after the date on which they were filed or received or created, whichever is later. This section does not apply to the destruction of official ballots.

#### **27.0114 Invalidity of Petition**

No *petition* is valid for use in connection with any *election* held after the *election* for which the *petition* was circulated.

#### **27.0115 Publication**

(a) The City *Clerk* shall publish at least once in the official City newspaper:

(1) Ordinances calling *elections*, or digests of the ordinances, which publication shall constitute the Notice of *Election*; and

(2) Resolutions declaring the results of *elections*.

(b) No other publication is required.

#### **27.0116 Term of Office**

The term of office for officers elected pursuant to this article at a *District* or *City-wide Primary Election*, or at a *District* or *City-wide General Election*, shall be four years. The term of

office shall commence at 10:00 a.m. (local time) on the first Monday after the first calendar day in December following the *elective officers' election* or upon taking their oath of office, whichever occurs later. It shall expire at 10:00 a.m. (local time) on the first Monday after the first calendar day in December of the term's fourth year.

#### **27.0117 Map of Council Districts**

The City *Clerk* shall maintain a current map of the City showing the boundaries of each City *Council* district as most recently established by ordinances of the City *Council*.

#### **27.0118 Redistricting**

No change in the boundaries of City *Council* districts shall affect the term of office of any City Councilmember who has been elected and whose term has not expired at the time of the change.

#### **27.0119 Residency Requirements of Candidates and Elective Officers**

The residency requirements for *elective officers* set forth in Section 7 of the Charter of The City of San Diego having been impliedly rendered invalid by *Johnson v. Hamilton*, 15 Cal. 3d 461 (1975), the following shall apply:

(a) No individual is eligible to run for, or hold the office of Mayor or City Attorney of the City, either by *election* or

appointment, unless:

(1) That individual is, at the time of assuming such office, a resident and *voter* of the City of San Diego, and,

(2) That individual was a registered *voter* of the City at least thirty calendar days prior to the date nomination papers were filed by the *candidate* pursuant to the nomination and write-in procedures in this article or at least thirty calendar days prior to the date of filing an application for appointment to an *elective office* pursuant to Section 27.0804 of this article.

(b) No individual is eligible to run for or hold the office of a Councilmember, other than the Mayor, either by *election* or appointment, unless:

(1) That individual is, at the time of assuming such office, a resident and *voter* of the district from which nomination or appointment is sought, and

(2) That individual was a registered *voter* of the district at least thirty calendar days prior to the date nomination papers were filed by the *candidate* pursuant to the nomination and write-in procedures in this article or at least thirty calendar days prior to the date of filing an application for appointment to an *elective office* pursuant to Section 27.0804 of this article.

Section 10. That Chapter II, Article 7, of the San Diego Municipal Code be and the same

is hereby amended by adding a new Division 4, titled "General Provisions for Ballots."

Section 11. That Chapter II, Article 7, Division 4 of the San Diego Municipal Code be and the same is hereby amended by adding new Sections 27.0401 through 27.0412, to read as follows:

**27.0401 Purpose and Intent**

The purpose and intent of this division is to clarify and consolidate all general ballot requirements in one division, and to provide uniform procedures to better ensure a fair and impartial administration of these requirements.

**27.0402 Public Examination of Ballot Materials**

*Ballot materials* will be available for public examination in the Office of the City *Clerk* for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. The City *Clerk* shall post a public notice of the specific dates of any examination period.

**27.0403 Examination Period**

(a) The examination period for ordinances calling any regularly scheduled municipal *election* and ordinances placing *measures* on the ballot commences eighty-five calendar days prior to the *election* and ends on the seventy-fifth calendar day prior to the *election*.

(b) The examination period for ordinances calling a *special*



*election* to fill a vacancy in an *elective office* commences the third business day following the adoption of the ordinance by the City *Council* and ends on the tenth calendar day thereafter.

(c) The examination period for all other *ballot materials* commences on the business day following the deadline for filing those *ballot materials* in the Office of the City *Clerk* and ends on the tenth calendar day thereafter.

#### **27.0404 Writ of Mandate**

During the ten-calendar day examination period provided in Section 27.0402, the City or any *voter* of the City may seek a writ of mandate or an injunction requiring any or all of the *ballot materials* to be amended or deleted. A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this article, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official *election* materials as provided by law. The City *Clerk* shall be named as respondent, and the *person* or official who authored the material in question shall be named as the real party in interest.

#### **27.0405 Sample Ballots**

The City *Clerk* shall have printed sample ballots in a

number sufficient to furnish one copy to each *voter* in every precinct. Such ballots shall contain the words "Sample Ballot" on their face and shall be a substantial facsimile of the official ballots except in the quality and color of the paper used.

#### **27.0406 Distribution of Sample Ballots**

At least ten calendar days prior to an *election*, the City *Clerk* shall cause to be mailed one copy of the sample ballot in the form to be used in each precinct to every *voter* in such precinct.

#### **24.0407 Recount Provisions**

A recount of any municipal *election* shall be conducted pursuant to the recount provisions of the California Elections Code.

#### **27.0408 Tie Votes of Ballot Measures**

If it appears from a canvass of the returns of any *election* that the votes for and the votes against a *measure* are equal in number, and that *measure* requires a majority vote, the *measure* shall be deemed to have failed.

#### **27.0409 Tie Votes of Candidates in a Primary Election**

(a) If the results of the canvass of the returns of any *District* or *City-wide Primary Election* or *special election* reveal that three or more individuals seeking *election* to one office have received an equal and highest number of votes, the City *Clerk* shall, after entry

of the results of such *election* by the *City Council* in its records, notify those individuals receiving the tie vote in writing, and shall summon them before the *City Council*. Two *candidates* for the *District* or *City-wide General Election* or *special election* shall be selected by drawing lots in a manner prescribed by the *City Council*. The *City Clerk* may draw a lot for any individual who is absent. If a demand for a recount has been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.

(b) If the results of the canvass of the returns of any *District* or *City-wide Primary Election* or *special election* reveal that two *candidates* have received an equal number of votes to place second in the *election*, the process to determine which of these *candidates* will appear on the *District* or *City-wide General Election* or *special election* ballot, shall be substantially the same as the process provided for in Section 27.0409(a).

#### **27.0410 Tie Votes of Candidates in a General or Special Election**

If the results of the canvass of the returns of any *District* or *City-wide General Election* or *special election* reveal that two or more individuals have received an equal and highest number of votes, the *City Clerk* shall, after entry of the results of such

*election* by the City Council in its records, notify those individuals receiving the tie vote in writing, and shall summon them before the City Council. The winner shall be selected by drawing lots in a manner prescribed by the City Council. The City Clerk may draw a lot for any individual who is absent. If a demand for a recount has been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.

#### **27.0411 Canvass of Returns**

Immediately after an *election*, the City Clerk shall cause a canvass of the *election* returns to be made, and shall certify the results of such canvass to the City Council, which shall have entered in its records the following:

- (a) The whole number of votes cast in the City;
- (b) The names of the *candidates* and the office each sought;
- (c) The *measure* presented; and
- (d) The number of votes cast for each *candidate* and for and against each *measure*.

#### **27.0412 Canvass of Returns to be Made Public**

The results of the canvass of *election* returns shall be made available to the public in the Office of the City Clerk immediately upon receipt from the Registrar.

Section 12. That Chapter II, Article 7 of the San Diego Municipal Code be and the same

is hereby amended by adding a new Division 5, titled "Ballots for Measures."

Section 13. That Chapter II, Article 7, Division 5, of the San Diego Municipal Code be and the same is hereby amended by adding new Sections 27.0501 through 27.0515, to read as follows:

**27.0501 Purpose and Intent**

The purpose and intent of this division is to clarify and consolidate all provisions for ballot *measures* in one division to better enable administration of these procedures and to provide for public participation in the process.

**27.0502 Submission of Ballot Measures at City-wide Elections**

Bond *measures* and other *measures* may be submitted at any *City-wide Primary* or *General Election*, or at any *City-wide special election* held for that purpose.

**27.0503 Ballot Question Adopted by Council**

The City *Council* shall decide by ordinance the content of the *ballot question* for each ballot *measure*, within the word limit prescribed by the California Elections Code.

**27.0504 Preparation of Ballot Title and Summary**

(a) The City *Council* may direct the City Attorney to prepare a ballot title and summary of any proposed *measure*. If so directed, the City Attorney shall place the title and summary on file in the Office of the City *Clerk* no later than 5:00 p.m. on the

date established in accordance with the City *Clerk's* administrative calendar for the *election* on the proposed *measure*.

(b) The title and summary shall not exceed 500 words in length. The ballot title may differ from any other title of the proposed *measure*.

(c) In providing the ballot title and summary, the City Attorney shall give a true and impartial statement of the purpose of the proposed *measure* in language that shall not be an argument, or likely to create prejudice, for or against the proposed *measure*.

(d) The title and summary shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed *measure*.

(e) The ballot title and summary constitute *ballot materials* within the meaning of Section 27.0103.

#### **27.0505 Preparation of Impartial Analysis**

(a) The City *Council* may direct the City Attorney to prepare an impartial analysis of any proposed *measure*. If so directed, the City Attorney shall place the impartial analysis on file in the Office of the City *Clerk* no later than 5:00 p.m. on the date established in accordance with the City *Clerk's* administrative calendar for the *election* on the proposed *measure*.

(b) The analysis shall not exceed 500 words in length.

(c) The City Attorney shall prepare the analysis to show the effect of the *measure* on existing law and what the *measure* would do.

(d) If the *measure* affects the organization or salaries of the Office of the City Attorney, the City *Council* may direct an appropriate official to prepare the analysis.

(e) The analysis shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed *measure*.

(f) In the event the entire text of the *measure* is not printed on the ballot, nor in the *voter pamphlet*, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Proposition \_\_\_\_\_. If you desire a copy of the ordinance or *measure*, please contact the Office of the City Clerk at 533-4000).”

A copy will be provided to the requestor at no cost. This requirement may be met by the *Clerk's* placement of an exact copy of the ordinance or *measure* on the Internet.

(g) The impartial analysis constitutes *ballot materials* within the meaning of Section 27.0103.

#### **27.0506 Preparation of Fiscal Impact Analysis**

(a) The City *Council* may direct the City Manager to

prepare a fiscal impact analysis of the proposed legislative act. If so directed, the City Manager shall place the fiscal impact analysis on file in the Office of the City *Clerk* no later than 5:00 p.m. on the date established in accordance with the City *Clerk's* administrative calendar for the *election* on the proposed legislative act.

(b) The analysis shall not exceed 500 words in length.

(c) The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or an opinion as to whether or not significant change in City finances would result if the proposed *measure* is adopted.

(d) The analysis shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed legislative act.

#### **27.0507 Order of Measures on Ballot**

The City *Council* may by ordinance prescribe the order of *measures* placed on the ballot. Unless the City *Council* prescribes otherwise, the order shall be as follows:

(a) Initiative *measures*, including both *measures* placed on the ballot by *petition* and *measures* placed on the ballot by action of the City *Council* pursuant to Section 27.1001, in the order in which the ordinances placing the initiative *measures* on the ballot are adopted by the City *Council*;



(b) Bond *measures* in the order in which the ordinances placing them on the ballot are adopted by the City *Council*;

(c) Charter amendments in the order in which the ordinances placing them on the ballot are adopted by the City *Council*;

(d) Other legislative *measures* in the order in which the ordinances placing them on the ballot are adopted by the City *Council*;

(e) Referendum *measures* in the order in which the ordinances placing them on the ballot are adopted by the City *Council*; and

(f) Advisory matters in the order in which the ordinances placing them on the ballot are adopted by the City *Council*.

#### **27.0508 Written Arguments**

(a) The City *Council*, or any member or members of the City *Council* authorized by that body, or any individual *voter* who is eligible to vote on the *measure*, or bona fide association of citizens, or any combination of *voters* and associations, may file a written argument for or against any City *measure*.

(b) The argument shall not exceed 300 words in length.

(c) The argument for and the argument against each *measure* shall be printed in the *voter pamphlet* provided with each

sample ballot; provided that only those arguments filed pursuant to this section shall be printed in the *voter pamphlet* and included with the sample ballot. The printed arguments are *ballot materials* within the meaning of Section 27.0103.

(d) Printed arguments submitted to *voters* in accordance with this section shall be titled either "Argument in Favor Of Proposition\_\_\_\_\_" or "Argument Against Proposition\_\_\_\_\_" accordingly, the blank spaces being filled in only with the letter or number, if any, designating the *measure*. The word "*Measure*" may be substituted for the word "Proposition" in such titles. Words used in the title shall not be counted when determining the length of any argument.

(e) A ballot argument shall not be false, misleading, or inconsistent with the requirements of this article.

#### **27.0509 Argument Not Accepted without Names**

(a) The City *Clerk* shall not accept a ballot argument for publication in the *voter pamphlet* unless it is accompanied by the name of the individual submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

(b) The *voter pamphlet* shall contain a maximum of five signatures with any argument submitted under this division. In

case any argument is signed by more than five *persons*, the signatures of the first five shall be printed.

(c) At least one of the individuals submitting the argument must be a registered voter in the City of San Diego.

**27.0510 Individuals Signing Arguments on Behalf of Organization**

(a) An individual shall sign a ballot argument on behalf of an organization.

(b) A letter authorizing the individual to sign on behalf of the organization shall be filed with the City *Clerk* at the same time the argument is filed.

(c) If no letter authorizing the signature is filed with the argument, the individual's and organization's names shall not be used with the argument for publication in the *voter pamphlet*.

(d) If no letter authorizing the signature is filed with the argument, and if the individual is the only signer of the argument, then the argument shall not be printed in the *voter pamphlet*.

**27.0511 Final Date for Arguments**

The City *Clerk* shall determine and fix a reasonable date prior to each *election* after which no arguments for or against any *measure* may be submitted for printing and distribution to the *voters*. This deadline shall be based on the time reasonably

necessary to prepare and print the arguments and sample ballots, and to permit the ten-calendar day public examination as provided for in Sections 27.0402 and 27.0403. Arguments may be changed or withdrawn by their *proponents* until and including the date fixed by the City *Clerk*.

**27.0512 Priority for Selection if More than One Argument Submitted**

If more than one argument for, or more than one argument against, any *measure* is submitted to the City *Clerk* within the time prescribed, the City *Clerk* shall select one of the arguments in favor, and one of the arguments against, the *measure* for printing and distribution to the *voters*. In selecting the argument the City *Clerk* shall give preference and priority, in the order named, to the arguments of the following:

(a) The City *Council*, or member or members of the City *Council*, including the Mayor, authorized by that body.

(b) The individual *voter*, or bona fide association of citizens, or combination of *voters* and associations, who are the bona fide sponsors or *proponents* of the *measure*.

(c) Bona fide associations of citizens.

(d) Individual *voters* who are eligible to vote on the *measure*.

### **27.0513 Council Authorization of Ballot Arguments**

(a) The City *Council* may by resolution authorize itself or individual members, including the Mayor, to sign a ballot argument in support of or in opposition to any *measure* placed on the ballot.

(1) The City *Council* may designate the Mayor to sign the argument on behalf of the Mayor and City *Council*;

(2) The City *Council* may designate the Mayor and individual members of the City *Council* to sign the argument; or

(3) The City *Council* may designate individual members of the City *Council* to sign the argument.

(b) Ballot arguments submitted and signed by individual members of the City *Council*, including the Mayor, but not authorized by resolution of the City *Council*, will be considered as submitted by individual *voters* for the purpose of selecting an argument for the sample ballot.

### **27.0514 No Rebuttal Arguments to be Published**

Rebuttal arguments shall not be published in the *voter pamphlet* and the City *Clerk* may not accept a rebuttal argument for any City *measure*.

### **27.0515 Examination Period for Ballot Materials**

There shall be a public examination period for all *ballot*

*materials* filed with the City *Clerk* for any *measure* to be submitted to the *voters* pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.

Section 14. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Division 22 to Division 6, to read as follows:

## **DIVISION 6**

### **Ballots for Candidates**

Section 15. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Sections 27.0601 and 27.0602, to read as follows:

#### **27.0601 Purpose and Intent**

The purpose and intent of this division is to provide guidance to *candidates* for *elective office* in the City of San Diego, to provide uniform procedures to better ensure a fair and impartial administration of these requirements, and in order that an informed *voter* may intelligently elect officeholders.

#### **27.0602 Use of Title or Degree Prohibited**

A *candidate's* title or degree shall not appear on the same line on the ballot as a *candidate's* name, either before or after the *candidate's* name for any *elective office*.

Section 16. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2201 to 27.0603, to read as follows:

**27.0603 Designation of Principal Profession or Occupation**

(a) The *candidate's* designation of principal profession, vocation or occupation constitutes *ballot materials* within the meaning of Section 27.0103.

(b) If a *candidate* desires his or her principal profession, vocation or occupation to be printed on the ballot, the *candidate* shall file with the City *Clerk* a statement indicating his or her designation of principal profession, vocation or occupation.

Except as provided in Section 27.0603(c)(2), the designation shall not be more than four words. Such statement shall be filed on a form provided by the City *Clerk* and shall contain a declaration by the *candidate* of the truth thereof. The statement shall be signed under California perjury laws, and shall be filed at the same time as the nomination papers.

(c) The designation may be only one of the following:

(1) The *candidate* may designate his or her principal profession, vocation or occupation during the calendar year immediately preceding the filing of nomination papers.

(2) The *candidate* may use words designating the same city, county, district, state or federal office the *candidate* holds at the time of filing nomination papers, if the *candidate* has been elected to that public office, or elected or appointed to that

judgeship. There shall be no word count limitation applicable to ballot designations submitted pursuant to Section 27.0603(c)(2).

(3) The *candidate* may use the word "Incumbent" if the *candidate* is a *candidate* for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office.

(4) The *candidate* may use the phrase "Appointed Incumbent," "Appointed Mayor," or "Appointed City Attorney" if the *candidate* has been appointed to fill a vacancy in the office of Mayor or City Attorney, and is seeking to be elected to that office at the next *election*. The *candidate* may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."

Section 17. That Chapter II, Article 7, Division 6 of the San Diego Municipal Code be and is hereby amended by adding new Section 27.0604, to read as follows:

**27.0604 Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation.**

The designation of principal profession, vocation or occupation submitted in accordance with this division shall also be subject to the City *Clerk's* Administrative Guidelines for the Designation of Principal Profession, Vocation, or Occupation. The City *Clerk's* Administrative Guidelines shall be based on the



Secretary of State's Ballot Designation Regulations, title 2,  
Sections 20710-20719 of the California Code of Regulations, as  
modified for use in the City of San Diego.

Section 18. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby  
amended by repealing Sections 27.2202 and 27.2203.

Section 19. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby  
amended by adding and new Sections 27.0605, 27.0606, 27.0607, and 27.0608, to read as  
follows:

**27.0605 Word Usage in Designation of Principal  
Profession, Vocation or Occupation**

The designation of principal profession, vocation or  
occupation shall not contain words such that any of the following  
would be true:

- (a) The designation would mislead the voter.
- (b) The designation would suggest an evaluation of a  
*candidate*, such as "outstanding," "leading," "expert," "virtuous,"  
or "eminent."
- (c) The designation abbreviates the word "retired," or  
places the word "retired" following any word or words which it  
modifies.
- (d) The designation uses a word or prefix, such as "former"  
or "ex-," which means a prior status.

(e) The designation uses the name of any political party, whether or not that party has qualified for the ballot.

(f) The designation uses a word or words referring to a racial, religious, or ethnic group.

(g) The designation refers to any activity prohibited by law.

**27.0606 Notification to Candidate if Designation Violates Restrictions**

The City *Clerk* has no duty to verify the designation of principal profession, vocation or occupation. If, however, after reviewing the nomination papers, the City *Clerk* finds the designation to be in violation of any of the restrictions set forth in Sections 27.0603, 27.0604 or 27.0605, the City *Clerk* shall notify the *candidate*.

(a) The *candidate* shall, within three business days from the date of such notice, provide additional information to support the designation, if requested by the City *Clerk*, or provide an alternate designation to the City *Clerk*.

(b) In the event the *candidate* fails to provide the additional information or an alternate designation, no designation shall appear after the *candidate's* name on the ballot.

**27.0607 Changing Designation of Principal Profession, Vocation or Occupation**

A *candidate* may not change his or her designation of

principal profession, vocation or occupation after the final date for filing nomination papers, except as specifically requested by the City *Clerk* as specified in Section 27.0606 or as provided for in Section 27.0608.

**27.0608 Designation to Remain the Same for  
Primary and General Election**

The designation of principal profession, vocation or occupation shall remain the same for all purposes of the *District* or *City-wide Primary Election* and *District* or *City-wide General Election*, unless the *candidate*, at least ninety-eight calendar days prior to the *District* or *City-wide General Election*, requests in writing a different designation which the *candidate* is entitled to use at the time of the request.

**27. 0609 (reserved for future use)**

**27. 0610 (reserved for future use)**

**27. 0611 (reserved for future use)**

**27. 0612 (reserved for future use)**

**27. 0613 (reserved for future use)**

**27. 0614 (reserved for future use)**

**27. 0615 (reserved for future use)**

**27. 0616 (reserved for future use)**

**27. 0617 (reserved for future use)**

**27. 0618 (reserved for future use)**

**27. 0619 (reserved for future use)**

Section 20. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2204 to 27.0620, to read as follows:

**27. 0620 Statement of Candidate's Qualifications**

(a) The *candidate's* statement of qualifications constitutes *ballot materials* within the meaning of Section 27.0103.

(b) *Candidates* for *elective office* may prepare a statement of qualifications on a form provided by the City Clerk. Such statement may include the name, age, occupation and education of the *candidate* and a brief description of the *candidate's* qualifications expressed by the *candidate* and limited to matters concerning only the *candidate*.

(c) The statement may include the names of family members. Any other names included in the statement must be authorized in writing by the individual or organization whose name is included in the statement. The consent of an organization shall be signed by an officer or other duly authorized representative of the organization. Such authorization must be filed at the same time as the statement of qualifications or the name will not be permitted in the statement.

(d) The statement shall not exceed 200 words in length.

Printed material on the statement shall be of uniform type size.

Boldface type or underscoring may be used for emphasis. The statement shall be filed in the Office of the City *Clerk* at the following times:

(1) When nomination papers are returned for filing by *candidates* whose names will appear on the ballot for a *District* or *City-wide Primary Election*, and

(2) Ninety-eight calendar days before the *District* or *City-wide General Election* for *candidates* whose names will appear on the ballot for a *District* or *City-wide General Election*.

(3) Three business days following the primary *election* if a run-off *election* is required pursuant to Section 27.0906 of this article.

Section 21. That Chapter II, Article 7, Division 6, of the San Diego Municipal Code be and is hereby amended by adding Sections 27.0621, 27.0622, 27.0623, 27.0624, 27.0625, 27.0626, 27.0627, and 27.0628, to read as follows:

**27.0621 Certain Content Prohibited in Statement of Qualifications**

(a) The statement of qualifications shall not refer, either directly by name, or indirectly by title, description or other allusion, to any other *candidate* or officeholder or to any other *candidate's* or officeholder's qualifications, character or activities.

(b) The statement of qualifications shall not include the party affiliation of the *candidate* or membership or activity in partisan political organizations.

(c) The statement of qualifications shall not contain language which is prohibited by law to be sent through the mail.

(d) The statement of qualifications shall not contain matter that is unrelated to the *candidate*.

(e) The statement of qualifications shall not contain obscene, vulgar, profane, scandalous, libelous or defamatory matter or language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward any individual or group of individuals by reason of race, color, religion or manner of worship.

**27.0622 Notification to Candidate if Statement of Qualifications Violates Restrictions**

(a) The City *Clerk* has no duty to verify the statement of qualifications. If, however, after reviewing the nomination papers, the City *Clerk* finds a portion of the statement of qualifications to be in violation of any of the restrictions set forth in Section 27.0620 or Section 27.0621, the City *Clerk* shall notify the *candidate*.

(b) The *candidate* may, within three business days from the

date of such notice, provide an alternate statement to the City Clerk.

(c) In the event the *candidate* fails to provide alternate language, the statement of qualifications shall appear in the *voter pamphlet* as amended by the City Clerk to delete those portions of the statement that are in violation.

#### **27.0623 Statement of Qualifications May be Withdrawn**

(a) The statement of qualifications may be withdrawn but not changed during the period for filing the nomination papers and until 5 p.m. of the next business day after the close of the nomination period or during other prescribed filing periods and until 5 p.m. of the next business day after the close of such period.

(b) Statements received by the City Clerk shall be kept confidential until the expiration of the filing period.

#### **27.0624 Candidate's Photograph**

If the *candidate* desires to have his or her photograph appear with the statement of qualifications, the *candidate* shall submit a black and white, glossy photographic print, preferably 8 by 10 inches in size, but no smaller than 5 by 7 inches in size. Only the head and shoulders portion of the photograph shall be reproduced on the statement; other images appearing in the photograph submitted shall be excluded by cropping. All

photographs in the *voter pamphlet* containing *candidates'* statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by a *candidate's* format for his or her statement of qualifications.

**27.0625 Clerk's Duty to Send Voter Pamphlet**

The City *Clerk* shall send to each *voter*, together with the sample ballot, a *voter pamphlet* which contains the written statements of *candidates'* qualifications and photographs that are prepared pursuant to this division.

**27.0626 Liability for False Statement of Qualifications**

Nothing contained in these sections shall be deemed to make any statement of qualifications or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the *voter pamphlet*.

**27.0627 Candidate's Statement of Qualifications  
to be Provided at No Cost**

The statement of *candidate's* qualifications and photograph shall be provided by the City at no cost to *candidates* for City *elective offices* whose names shall appear on the ballot of the *District* or *City-wide Primary Election*, or the *District* or *City-wide General Election*.



**27.0628 No Statement of Qualifications for Write-In Candidates**

No statements of qualifications for write-in *candidates* shall be included in the *voter pamphlet*.

**27. 0629 (reserved for future use)**

**27. 0630 (reserved for future use)**

**27. 0631 (reserved for future use)**

**27. 0632 (reserved for future use)**

**27. 0633 (reserved for future use)**

Section 22. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2204.1 to 27.0634, to read as follows:

**27.0634 Listing of Candidates on Ballots**

Names of *candidates* as they shall be listed on ballots shall be determined in the following manner:

(a) At the *City-wide Primary Election* and the *City-wide General Election* of the Mayor or City Attorney, or at any *City-wide special election*, the order of the names of *candidates* shall be rotated by *Council* District so that the first name listed on the ballot in District 1 shall be second in District 2 and the name listed last in District 1 shall be listed first in District 2 and then be second in District 3 and so on through all the districts. The order of the names as they shall be listed in District 1 shall be determined by the City *Clerk* by lot.

(b) At any *District Primary Election* or any *District General Election* for Council Office, the order of names of *candidates* as they shall appear on the ballot shall be determined by the City *Clerk* by lot.

Section 23. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.0635, to read as follows:

**27.0635 Disqualification of Candidates between Primary and General Election**

If a *candidate* whose name would appear on the ballot for any *District* or *City-wide General Election* or *special election* dies, withdraws or is disqualified, and if proof is presented to the City *Clerk* prior to the time the ballots for the *District* or *City-wide General Election* or *special election* are printed, the individual who received the next highest number of votes of those who were *candidates* for such office in the *District* or *City-wide Primary Election*, shall be deemed a *candidate*, and his or her name shall be printed on the ballot for use at the *District* or *City-wide General Election* or *special election*.

Section 24. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2205 and 27.2205.1 to Sections 27.0636 and 27.0637, to read as follows:

### **27.0636 Counting of Write-In Votes**

To clarify the process for selection of *candidates* described in Section 10 of the Charter of The City of San Diego as modified by *Canaan v. Abdelnour*, 40 Cal. 3d 703 (1986), the following shall apply: Write-in *candidates* are permitted in all municipal *elections* and *special elections*. Any name written upon a municipal *election* or *special election* ballot, including a reasonable facsimile of the spelling of such name, shall be counted for the office for which it was written, if it is written in the blank space provided therefor, unless prohibited by the provisions of Section 27.0637 of this article.

### **27.0637 Qualification for Write-In Candidacy Required**

A write-in *candidate's* name written upon a ballot in any *election* shall be counted only if a declaration of write-in candidacy, nomination papers, and filing fee or signatures in-lieu of the filing fee have been filed in the Office of the City *Clerk* during the filing period for write-in *candidates*.

Section 25. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by repealing Sections 27.2206 and 27.2207.

Section 26. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.0638, to read as follows:

### **27.0638 Examination Period for Ballot Materials**

There shall be a public examination period for all *ballot materials* filed with the City Clerk for any *candidate election* pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.

Section 27. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding a new Division 7, titled "General Provisions for Filling Vacancies in Elective Offices."

Section 28. That Chapter II, Article 7, Division 7, of the San Diego Municipal Code be and is hereby amended by adding new Sections 27.0701, 27.0702, 27.0703, 27.0704, 27.0705, 27.0706, 27.0707, 27.0708, and 27.0709, to read as follows:

#### **27.0701 Purpose and Intent**

The Charter of The City of San Diego requires the City Council to fill a vacancy in the offices of the Mayor and City Attorney within thirty business days by appointment; and failing to do so within that time, the City Council is required to immediately cause an *election* to be held to fill such vacancy. The Charter provides that if a vacancy occurs in the office of a City Council District and there is one year or less remaining in the term, the City Council shall appoint an individual to fill the vacant seat. If the vacancy occurs with more than one year remaining in the term, the Charter requires the City Council to call a *special election* to fill

such vacancy. The purpose and intent of this division is to establish uniform provisions for filling a vacancy in any *elective office*.

#### **27.0702 Reason for Vacancy**

A vacancy may occur as a result of death, resignation, un-excused absences, or a recall *election*.

#### **27.0703 Date of Vacancy**

(a) If a vacancy occurs by reason of resignation, the date of the vacancy will be the date specified in the written letter of resignation or, if there is no date certain specified in the letter, upon the date of receipt of the letter by the City *Clerk*.

(b) If a vacancy occurs by reason of death or un-excused absences, the date of the vacancy will be the date of adoption of the City *Council's* Declaration of Vacancy.

#### **27.0704 Council to Adopt Declaration of Vacancy**

As soon as it is known that a vacancy exists in any *elective office* by reason of death or un-excused absences, the City *Council* shall adopt a Declaration of Vacancy at its next regularly scheduled meeting, or at a special meeting called for that purpose. The Declaration of Vacancy shall include the name of the *elective office* that is vacant and the reason for the vacancy.

#### **27.0705 Alternative of Appointment or Election**

(a) As soon as it is known that there will be a vacancy in

the office of the Mayor or City Attorney of The City of San Diego, for any reason other than a successful recall *élection*, the presiding officer of the City *Council* shall, at the next regularly scheduled City *Council* meeting, or at a special meeting called for that purpose, consider the question of whether the vacancy shall be filled by appointment or *special election*.

(b) As soon as it is known that there will be a vacancy in the office of a Councilmember of The City of San Diego, for any reason other than a successful recall *élection*, the decision to fill the vacancy by appointment or *special election* shall be determined by the length of time remaining in the term of office, pursuant to City Charter section 12.

#### **27.0706 Letter of Resignation May be Withdrawn**

A letter of resignation containing an effective date may be withdrawn in writing if that request is filed with the City *Clerk* as follows:

(a) In the event the letter of resignation relates to the office of Mayor or City Attorney, no later than the business day before the City *Council* meets in accordance with Section 27.0705(a); or

(b) In the event the letter of resignation relates to the office of a City Councilmember and an *élection* is required by the City Charter, no later than the business day before the City *Council*

calls a *special election* pursuant to Section 27.0902 of this article;

or

(c) In the event the letter of resignation relates to the office of a City Councilmember and the vacancy will be filled by appointment in accordance with the City Charter, no later than the deadline established by the City *Clerk* for filing appointment application forms pursuant to Section 27.0802.

#### **27.0707 Procedures to Fill Vacancy**

(a) When a vacancy is to be filled by appointment, the City *Council* shall fill such vacancy in accordance with the provisions set forth in Division 8 of this article.

(b) When a vacancy is to be filled by *special election*, the City *Council* shall fill such vacancy in accordance with the provisions set forth in Division 9 of this article.

(c) When a vacancy occurs by reason of a successful recall *election*, the City *Council* shall fill such vacancy in accordance with the provisions set forth in the recall provisions of this article.

#### **27.0708 Effect of Redistricting on Filling a Vacancy in Council Office**

If a vacancy occurs for any reason, and if redistricting has occurred between the date of the *election* of the officeholder and the date of the vacancy, the redistricting will have no effect on the

boundaries used to determine who is eligible to fill the vacancy, either by appointment or *special election*. The boundaries used to fill the vacancy will be the same as those used in the original *election*, and all the following requirements shall be met:

(a) A *candidate* for appointment or *election* will be a resident and *voter* from within the district boundaries as they existed prior to redistricting.

(b) In order to be counted as valid, nominating signatures must come from *voters* registered within the district boundaries as they existed prior to redistricting.

(c) A *special election* held to fill a vacancy will be held within the district boundaries as they existed prior to redistricting.

#### **27.0709 Term of Office**

(a) The term of office for an individual elected to fill a vacancy pursuant to Division 9 of this article shall commence at the time the *City Council* adopts the resolution declaring the results of such *election* to the vacant office, and shall expire at 10:00 a.m. on the first Monday after the first calendar day in December following the next *District* or *City-wide General Election* to fill that office, at the same time that the terms of other *elective officers* expire.

(b) The term of office for an individual appointed to fill a



vacancy pursuant to Division 8 of this article shall commence at the time the City *Council* adopts the resolution appointing that officer to fill the vacancy, and shall expire at 10:00 a.m. on the first Monday after the first calendar day in December following the *District* or *City-wide General Election* to fill that office, at the same time that the terms of other *elective officers* expire.

(c) The City *Clerk* or other qualified individual shall administer the oath of office to the elected or appointed officer at the time the term of office begins.

Section 29. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Division 31 to Division 8, to read as follows:

## **DIVISION 8**

### **Procedure for Filling Vacancies in Elective Offices by Appointment**

Section 30. That Chapter II, Article 7, Division 8, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.3101 to Section 27.0801, to read as follows:

#### **27.0801 Purpose and Intent**

The purpose and intent of this division is to establish an orderly procedure for the City *Council* to follow in making any appointment to an *elective office*; and for all individuals interested in being appointed to the vacant office to follow in presenting their applications for consideration by the City *Council*; and at the same

time to allow for public participation in the selection process. If a position is to be filled by appointment, the procedures provided for in this division shall be followed.

Section 31. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by repealing Section 27.3102.

Section 32. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.0802, to read as follows:

**27.0802 Deadline for Filing Application Forms**

(a) If a vacancy exists by reason of death or un-excused absences, the deadline for filing application forms with the City *Clerk* shall be fourteen calendar days after the date of the vacancy, as determined by Section 27.0703(b).

(b) If an actual or expected vacancy will exist by reason of a resignation to take effect at some future time, the deadline for filing applications shall be one of the following:

(1) If there are at least fourteen calendar days between the time of the publication required by Section 27.0803 and the date of vacancy, the deadline shall be the calendar day before the vacancy occurs;

(2) If there are fewer than fourteen calendar days between the publication required by Section 27.0803 and the date of vacancy, the deadline shall be fourteen calendar days after the date

of publication or after occurrence of the vacancy, whichever first occurs.

Section 33. That Chapter II, Article 7, Division 8, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.3103 and 27.3104 to 27.0803 and 27.0804, to read as follows:

**27.0803 Notice to be Published by Clerk**

(a) If a vacancy exists by reason of death or un-excused absences, and the *elective office* is to be filled by appointment, the City Clerk shall publish within five calendar days of the date of vacancy, as determined by Section 27.0703(b), the following notice in a paper of general circulation within the City of San Diego:

A vacancy exists in the office of (Mayor), (Councilmember, 1st through 8th District), or (City Attorney). Interested applicants may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the office of the City Clerk by close of business, 5:00 p.m. on (insert date fourteen calendar days after the date of the vacancy).

(b) If an actual or expected vacancy will exist by reason of a resignation to take effect at some future time, the City Clerk shall publish within a reasonable time the following notice:

A vacancy will exist in the office of (Mayor),  
(Councilmember, 1st through 8th District), or (City Attorney) on (date  
vacancy expected to occur). Interested applicants may obtain information  
and forms at the office of the City *Clerk*, City Administration Building,  
202 C Street, San Diego, California. To be considered, applications shall  
be returned to the Office of the City *Clerk* by close of business, 5:00 p.m.  
on (insert date of the calendar day before vacancy occurs if at least a  
fourteen-calendar-day interval exists between publication and date of  
vacancy; if not, insert date fourteen calendar days after date of publication  
or fourteen calendar days after occurrence of vacancy, whichever first  
occurs).

#### **27.0804 Application Forms and Requirements**

Applicants for appointment to *elective office* shall file with  
the City *Clerk* on or before the date for return of applications as  
published by the City *Clerk* under Section 27.0803 the following:

(a) Background information certified by the applicant that  
it is true and correct, signed under penalty of California perjury  
laws, disclosing the following:

- (1) Name.
- (2) Current address.
- (3) Length of residence at current address, and address for  
past five years if other than the current address.

(4) Date of birth.

(5) Marital status.

(6) Social Security Number.

(7) Business or occupation engaged in during the past five years together with address of and dates of service with each such business or occupation.

(8) Branch, dates and rank at discharge of military service.

(9) Education starting with high school to highest level attained together with the name of each educational institution attended and any degree or diploma received.

(10) Statement of Economic Interests Form 700.

(b) A statement signed under penalty of California perjury laws from a medical doctor licensed to practice medicine in the State of California describing in general terms the physical and mental health of the applicant and certifying that the applicant is physically and mentally capable of performing the duties of the office the applicant is seeking.

(c) A statement of qualifications not longer than 100 words expressing in the applicant's own words the reasons why the applicant believes he or she is qualified for the office.

(1) Except for the 100-word limit set by Section 27.0804(c), this statement shall conform to the requirements

set forth in Sections 27.0620 and 27.0621, as they pertain to the contents of the statement.

(2) The provisions set forth in Section 27.0622 shall apply, except that if the City *Clerk* finds a portion of the statement of qualifications to be in violation of any of the restrictions set forth in Section 27.0804 and so notifies the *candidate*, the *candidate* may, within one business day from the date of such notice, provide an alternate statement to the City *Clerk*.

(d) A petition with the signatures of fifty registered *voters* in form and content similar to that required by the nomination procedures in this article.

(e) A statement signed under penalty of California perjury laws that the applicant complies with the requirements of Section 27.0119 and has been a resident and *voter* of the City in the case of the Mayor or City Attorney, or of the district in the case of Councilmembers other than the Mayor, for at least thirty calendar days prior to the date of making application for appointment.

Section 34. That Chapter II, Article 7, Division 8, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.0805, to read as follows:

**27.0805 Responsibilities of the City Clerk**

(a) The City *Clerk* shall furnish each applicant with a copy of this division and shall advise each applicant of the dates set by

the City *Council* for public hearings on the applications.

(b) The City *Clerk* shall cause a police check to be conducted on each applicant. Each applicant shall be informed by the City *Clerk* that a police check will be made on the applicant and that the City *Council* will be informed of the results thereof.

Section 35. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.3105, 27.3106, 27.3107, and 27.3108 to Sections 27.0806, 27.0807, 27.0808, and 27.0809, respectively, to read as follows:

**27. 0806 Public Hearing**

Before any appointment to fill a vacancy in an *elective office* may be made, the City *Council* shall hold at least one public hearing for the purpose of considering the applications for appointment. The hearing shall be held a reasonable time after the period for filing applications has ended as provided in Section 27.0802. If a vacancy occurs in the office of the Mayor or City Attorney, or in the office of a *Council* District where there will be less than one year remaining in the term, the date of the public hearing shall be established and set by the City *Council* in the special meeting required to be held to determine whether the vacancy will be filled by an appointment or *special election*. A second public hearing may be held if there are additional questions or if additional time for discussion is needed by the City *Council*

prior to making the appointment.

#### **27.0807 Public Hearing and Appointment**

(a) At the public hearing required by Section 27.0806, each applicant shall be allowed three minutes to make a presentation to the *City Council* in support of the applicant's candidacy for appointment. At the discretion of the presiding officer, City Councilmembers may ask brief questions for clarification concerning either the presentation or matters contained in the application filed with the *City Clerk*. Applicants shall also be expected to answer questions from City Councilmembers concerning their candidacy. Such questions may concern but need not be limited to the *candidate's* background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues.

(b) At the conclusion of the public hearing or at a later meeting, the *City Council* may adopt a resolution appointing an applicant to fill the vacancy.

#### **27.0808 Optional Second Public Hearing and Appointment**

(a) If, during the public hearing required by Section 27.0806, the *City Council* determines that there are too many *candidates* to consider in a single public hearing, the procedures outlined in Section 27.0808 shall be used.



(b) Before the conclusion of the first public hearing, the City *Council* shall select at least four but no more than six applicants to appear at the second public hearing. After the selection is made, the presiding officer shall announce the names of the applicants invited to appear at the second public hearing and set the date and time of such hearing.

(c) At the second public hearing, applicants invited to appear shall be expected to answer questions from City Councilmembers concerning their candidacy. Such questions may concern but need not be limited to the *candidate's* background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues.

(d) At the conclusion of the second public hearing the City *Council* may then, or at a later meeting, adopt a resolution appointing an applicant to fill the vacancy.

#### **27.0809 Election of Appointed Councilmember Prohibited**

Any individual appointed by the City *Council* to fill a vacant City *Council* District seat shall not be eligible to run for that office for the next succeeding term.

Section 36. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by repealing Section 27.3109.

Section 37. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby

amended by amending and renumbering Division 24 to Division 9, to read as follows:

## **DIVISION 9**

### **Procedure for Filling Vacancies in Elective Offices by Special Election**

Section 38. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by repealing Sections 27.2401, 27.2402, and 27.2403.

Section 39. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Sections 27.0901, 27.0902, 27.0903, 27.0904, 27.0905, and 27.0906, to read as follows:

#### **27.0901 Purpose and Intent**

The purpose and intent of this division is to establish an orderly procedure for the City *Council* to follow in conducting a *special election* to fill a vacant office. It is the intent of this division that these procedures be the same for filling vacancies in all *elective offices*. This includes the offices of Mayor, City Attorney, and City *Council*. If a position is to be filled by *election*, the procedures provided for in this division shall be followed.

#### **27.0902 Special Election to be Called**

If a vacancy occurs for any reason other than a successful recall *election*, and the vacancy is to be filled by *election*, the City *Council* shall immediately call a *special election* to be held within ninety calendar days of the vacancy, unless there is a regular municipal, statewide, or countywide *election* scheduled to be held

within 180 calendar days of the vacancy. If there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy, the City *Council* may consolidate the *special election* with that regular *election*.

#### **27.0903 Nomination Procedures**

*Candidate* nominations shall be conducted in accordance with the provisions of the nomination procedures in this article.

#### **27.0904 Special Election to Conform to Other Elections**

To the extent practicable, when a vacancy in any *elective office* is to be filled in accordance with this division, the City *Clerk* shall conduct the *special election* in a manner conforming to other *candidate election* procedures, including procedures for write-in *candidates*, in this article.

#### **27.0905 If Majority of Votes Cast, Winner Declared**

If one *candidate* receives the majority of votes cast for all *candidates* in the *special election*, the *candidate* receiving the majority of votes cast shall be deemed to be and declared by the City *Council* to be elected to the vacant office.

#### **27.0906 If No Majority of Votes Cast, Run-off Required**

If no *candidate* receives a majority of votes cast in the *special election*, a special run-off *election* shall be held within forty-nine calendar days of the first *special election*, unless there is

a regular municipal, statewide, or countywide *election* scheduled to be held within ninety calendar days of the proposed special run-off *election* date, at which time the City *Council* may consolidate the special run-off *election* with that regular *election*. The two *candidates* receiving the highest number of votes cast for the vacant seat in the first *special election* shall be the only *candidates* for the vacant seat; and, the names of only those two *candidates* shall be printed on the ballots to be used at the run-off *election*.

Section 40. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2404 to Section 27.0907, to read as follows:

**27.0907 Date to Assume Office**

The *candidate* deemed elected at either the *special election* or at the special run-off *election* called by the City *Council* to fill a vacant *elective office* shall be declared elected for the unexpired term of his or her predecessor and shall assume his or her office at the time the City *Council* adopts the resolution declaring the results of such *election* to the vacant office.

Section 41. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by renumbering Division 25 to Division 10 [no change in title].

Section 42. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2501, 27.2504, and 27.2505 to Sections 27.1001, 27.1002, and 27.1003, to read as follows:

### **27.1001 Subjects of Initiative**

Any proposed legislative act or proposed amendment or repeal of an existing legislative act may be submitted to the City Council by an initiative *petition* filed in the Office of the City Clerk. The City Council may also submit a proposed legislative act, or proposed amendment or repeal of an existing legislative act, to the voters without having first received a *petition* therefor.

### **27.1002 Notice of Intention to be Published**

An initiative *petition* may not be circulated for signatures until the *proponent* has published at least once in a daily newspaper of general circulation a notice of intention to do so. The notice of intention shall contain the proposed legislative act in full and the statement of reasons for the *petition* prepared in accordance with Section 27.1010.

### **27.1003 Notice of Intention, Signed Statement of Reasons, and Affidavit of Publication to be Filed with Clerk**

(a) Within ten calendar days after publication of the notice of intention to circulate an initiative *petition* for signatures, the *proponent* shall file:

(1) a copy of the notice as published;

(2) the statement of reasons prepared in accordance

with Section 27.1010 and the original signature

of the individual initiating the proposed legislative act or, if the *proponent* is an organization, the original signatures of two officers of the organization; and

(3) an affidavit of publication. The affidavit of publication shall be in a form satisfactory for the City *Clerk's* verification of publication.

(b) All documents specified in Section 27.1003(a) shall be filed in the Office of the City *Clerk*.

Section 43. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.1004, to read as follows:

**27.1004 Initiative Petition Circulators**

An initiative *petition* may be circulated for signatures by a paid signature gatherer or by a volunteer.

**27.1005 (reserved for future use)**

**27.1006 (reserved for future use)**

Section 44. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2506, 27.2509, and 27.2508 to Sections 27.1007, 27.1008, and 27.1009, to read as follows:

**27.1007 Time to Begin Circulating Initiative Petition**

An initiative *petition* may not be circulated for signatures until:

(a) the twenty-first calendar day after publication of

the notice of intention; and

(b) the filing requirements of Section 27.1003 have been met.

#### **27.1008 Contents of Initiative Petition**

(a) Initiative *petition* forms shall be furnished by the *proponent*.

(b) The initiative *petition* shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches and no greater than 8-1/2 by 14 inches.

(c) The initiative *petition* may consist of any number of sections. Each section shall contain items specified in Section 27.1008(c) (1) through (4) in the order specified:

(1) One or more sheets setting forth the proposed legislative act in full, prepared in accordance with Section 27.1009.

(2) A statement of reasons for the *petition*, prepared in accordance with Section 27.1010.

(3) One or more *voter* signature sheets, prepared in accordance with Section 27.1011. Any number of *voter* signature sheets may be incorporated into a *petition* section.

(4) A *circulator*'s affidavit of authenticity, prepared and signed in accordance with Section 27.1014.

(d) The sheets comprising each initiative *petition* section

shall be fastened together securely and remain so during circulation for signatures and submittal to the City *Clerk*.

#### **27.1009 Form of Initiative Petition**

Any *petition* initiating a proposed legislative act shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

#### **INITIATIVE PETITION**

To the Honorable City Council of The City of San Diego:

We, the undersigned registered voters of The City of San Diego, California, by this petition hereby respectfully propose the following legislative act be adopted by the City Council or submitted to the registered voters of The City of San Diego for their adoption or rejection:

(NOTE: Here insert a copy of the published notice of intention containing the proposed legislative act in full and the statement of reasons prepared in accordance with Section 27.1010; the *voter* signature sheets prepared in accordance with Section 27.1011; and the *circulator*'s affidavit of authenticity prepared in accordance with Section 27.1014.)

Section 45. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by repealing Section 27.2507.

Section 46. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby



amended by adding new Sections 27.1010 and 27.1011, to read as follows:

**27.1010 Form of Statement of Reasons for Initiative Petition**

The statement of reasons shall set forth the reasons for the initiative *petition*. It shall contain no more than 300 words. The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. It shall be signed by the individual initiating the proposed legislative act or, if the *proponent* is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the *proponent* may be reached.

**27.1011 Form of Voter Signature Sheets for Initiative Petition**

(a) On the right hand side of each *voter* signature sheet, a space at least one inch wide shall be left blank for the City *Clerk's* use in verifying the validity or invalidity of the signatures. *Voter* signature sheets shall be arranged and lined to provide space for each *voter's* signature, each *voter's* printed name, place of each *voter's* residence, and date of each *voter's* signature.

(b) Above the signature portion of each *voter* signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

“NOTICE TO THE PUBLIC

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THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER

OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.”

(c) The signature portion of the sheet shall be in substantially the following form:

Name	Residence	Date	Clerk's Use Only
1. Sign			
Print			
2. Sign			
Print			
3. Sign			
Print			

Section 47. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2512 to Section 27.1012, to read as follows:

**27.1012 Signing Voter's Information for Initiative Petition**

Signatures on the *voter* signature sheets shall be executed by *voters* in their own handwriting and each signer shall also affix his or her printed name, date of his or her signature, and place of his or her residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post Office box numbers, business addresses, or mailing addresses are not permitted and, if used, shall make that *voter's* signature invalid.

Section 48. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.1013, to read as follows:

**27.1013 Circulator's Affidavit of Authenticity for  
Initiative Petition**

Each initiative *petition* section shall have attached to it an affidavit of authenticity of the *circulator*, signed by the *circulator* under California perjury laws.

Section 49. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2510 to Section 27.1014, to read as follows:

**27.1014 Form of Circulator's Affidavit of Authenticity for  
Initiative Petition**

The *circulator*'s affidavit of authenticity shall have the following form:

**AFFIDAVIT OF AUTHENTICITY**

COUNTY OF SAN DIEGO)

STATE OF CALIFORNIA) ss.

Under penalty of perjury I, (printed name of *circulator*), declare: That all of the signatures on the voter signature sheets of this petition section were made in my presence and were observed by me; that all of the sheets constituting this petition section were fastened together at the time such signatures were made; that, to the best of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition; and that the signatures were obtained between:

\_\_\_\_\_ and \_\_\_\_\_  
(Beginning date of circulation) (Final date of circulation)

\_\_\_\_\_ \_\_\_\_\_  
(Circulator's Printed Name) (Circulator's Signature)

---

(Circulator's Residence)

---

(Date Signed by Circulator)

**27.1015 (reserved for future use)**

**27.1016 (reserved for future use)**

Section 50. That Chapter II Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2511 and 27.2519 to Sections 27.1017 and 27.1018, to read as follows:

**27.1017 Signatures on Initiative Petition**

Only *voters* may sign the *voter* signature sheets of an initiative *petition*. Signatures of individuals who are not *voters* shall be invalid.

**27.1018 Withdrawal of Signature from Initiative Petition**

Any individual who has signed an initiative *petition's voter* signature sheet may withdraw his or her signature by filing a written request bearing his or her name, address and signature in the Office of the City *Clerk* prior to the time the *petition* is filed.

Section 51. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.1019, to read as follows:

**27.1019 Time for Submitting Initiative Petition to Clerk**

An initiative *petition* may be submitted to the Office of the City *Clerk* any time within 180 calendar days following the publication of the notice of intention to circulate.

Section 52. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2513 to 27.1020, to read as follows:

**27.1020 Submitting Initiative Petition to Clerk**

(a) The initiative *petition* shall be submitted to the Office of the City *Clerk* by the *proponent* of the initiative or by any individual authorized in writing by the *proponent*. All sections of the *petition* shall be submitted at one time.

(b) Six copies of the initiative *petition* with unsigned voter signature sheets shall be submitted to the Office of the City *Clerk* at the same time as the *petition* is submitted pursuant to this section.

Section 53. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding Section 27.1021, to read as follows:

**27.1021 Acceptance or Rejection of Initiative Petition as Filed**

(a) The City *Clerk* shall not accept an initiative *petition* that is not in substantial compliance with this division.

(b) When the initiative *petition* is submitted, the City *Clerk* shall determine that calendar day the number of signatures affixed prima facie to the *petition*.

(1) If the City *Clerk* determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City *Clerk* shall accept the *petition* as filed.

(2) If the City *Clerk* determines that the number of signatures, prima facie, is fewer than the minimum number required, the City *Clerk* shall reject the *petition* and treat it as not filed.

(c) Any initiative *petition* sections not accepted as filed in accordance with Section 27.1021 shall be void for all purposes.

Section 54. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2514 to Section 27.1022, to read as follows:

**27.1022 Verification of Initiative Petition Signatures; Time;  
Random Sampling**

(a) The City *Clerk* shall be allowed a period of thirty calendar days after an initiative *petition* has been accepted as filed to verify the validity or invalidity of signatures.

(b) The random sampling method set forth in the California Elections Code may be used for verification of signatures.

(c) To determine the sufficiency or insufficiency of an initiative *petition*, the City *Clerk* shall only count valid signatures.

(d) If the *circulator's* affidavit of authenticity for any given initiative *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

**27.1023 (reserved for future use)**

**27.1024 (reserved for future use)**

Section 55. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding Sections 27.1025 and 27.1026, to read as follows:

**27.1025 Challenges to Verification of Initiative Petition  
Signatures**

(a) By submitting a written request to the City *Clerk*, any *voter* of The City of San Diego may challenge the determination of the sufficiency or insufficiency of an initiative *petition* for which signatures were verified by the random sampling method provided for in Section 27.1022(b).

(b) Any *voter* making a challenge under Section 27.1025(a) must post with the City *Clerk* such amount of money as is required to fully pay the cost of further verification.

(c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth calendar day following the City *Clerk*'s certification of the sufficiency or insufficiency of the initiative *petition* determined in accordance with Section 27.1026.

(d) If the challenge is received and the required payment is made within the time specified, the City *Clerk* shall proceed to verify the validity or invalidity of each signature on the initiative *petition*.

**27.1026 Clerk's Certification of Sufficiency or Insufficiency of Initiative Petition**

If the City *Clerk* finds an initiative *petition* to contain the requisite number of valid signatures and to be in substantial compliance with this division, he or she shall certify that the *petition* is sufficient, and qualifies for presentation to the City *Council* pursuant to Section 27.1031, or for submittal to the *voters* pursuant to Section 27.1033. If the City *Clerk* finds an initiative *petition* to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this division, he or she shall certify that the *petition* is insufficient, and does not qualify for submittal to the City *Council* pursuant to Section 27.1031, or for submittal to the *voters* pursuant to Section 27.1033.

Section 56. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2515 and 27.2516 to Sections 27.1027 and 27.1028, to read as follows:

**27.1027 Notice of Sufficiency of Initiative Petition**

When an initiative *petition* has been certified as sufficient, the City *Clerk* shall send a notice of sufficiency to the *proponent* of the initiative. The City *Clerk* shall then present the *petition*, with the certification attached, to the City *Council* at the next regular City *Council* meeting at which the matter can be placed on the



docket.

**27.1028 Notice of Insufficiency of Initiative Petition**

When an initiative *petition* has been certified as insufficient, the City *Clerk* shall send a notice of insufficiency to the *proponent* of the initiative.

**27.1029** (reserved for future use)

**27.1030** (reserved for future use)

Section 57. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2502, 27.2520, 27.2503, 27.2521, 27.2522, and 27.2523 to Sections 27.1031, 27.1032, 27.1033, 27.1034, 27.1035, and 27.1036, respectively, to read as follows:

**27.1031 Number of Initiative Petition Signatures Required for Presentation to City Council**

An initiative *petition* may not be presented to the City *Council* unless it contains the signatures of at least three percent of the *voters*.

**27.1032 Action by City Council on Three Percent Initiative Petition**

If the initiative *petition* presented to the City *Council* contains the signatures of at least three percent but less than ten percent of the *voters*, the City *Council* shall within ten business days of the date of presentation approve or reject the legislative act as presented, but may not amend it. The City *Council* may submit

the matter to the *voters*, but is not required to do so.

**27.1033 Number of Initiative Petition Signatures Required for Submittal to Voters**

An initiative *petition* is not required to be submitted to the *voters* unless it contains the signatures of at least ten percent of the *voters*:

**27.1034 Action by City Council on Ten Percent Initiative Petition**

If the initiative *petition* presented to the *City Council* contains the signatures of ten percent or more of the *voters*, the *City Council* shall within ten business days of the date of presentation adopt or reject the legislative act as presented, but may not amend it.

**27.1035 Initiated Legislative Act to be Submitted to Voters**

If the *City Council* rejects a legislative act proposed by an initiative *petition* containing the signatures of ten percent or more of the *voters*, or fails to act within the time prescribed by Section 27.1034, then the *City Council* shall within ten business days of the date of rejection or of the deadline for action prescribed by Section 27.1034, whichever is earlier:

(a) adopt a resolution of intention to submit the matter to the *voters* at a *special election*; and

(b) direct the City Attorney to prepare an ordinance calling

a *special election* to place the matter on the ballot.

**27.1036 Direct Submittal of Initiated Legislative Act to Voters without Petition**

When the City *Council* proposes any legislative act for vote, without a *petition* therefor, it shall be submitted to the *voters* at a *special election* scheduled pursuant to Section 27.1037.

Section 58. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding Section 27.1037, to read as follows:

**27.1037 Time for Special Election for Initiated Legislative Act**

A *special election* for an initiated legislative act may be consolidated with the next *City-wide Primary* or *City-wide General Election* at which the matter can be placed on the ballot; or a separate *special election* may be called for the purpose of voting on the matter.

**27.1038 (reserved for future use)**

**27.1039 (reserved for future use)**

Section 59. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding Section 27.1040, to read as follows:

**27.1040 Examination Period for Initiative Ballot Materials**

There shall be a public examination period for all *ballot materials* filed with the City *Clerk* for any *measure* to be submitted to the *voters* pursuant to this division. The examination period

shall conform to the provisions of Section 27.0402 of this article.

Section 60. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2530 and 27.2529 to Sections 27.1041 and 27.1042, respectively, to read as follows:

**27.1041 Special Election for Initiated Legislative Act to Conform to Other Elections**

To the extent practicable, when a legislative act proposed by an initiative *petition* or directly by the City *Council* is submitted to the *voters*, the City *Clerk* shall conduct the *special election* in a manner conforming with other *elections*.

**27.1042 Special Election Not Limited to One Initiated Legislative Act**

Any number of legislative acts proposed by initiative *petitions* or directly by the City *Council* may be submitted to the *voters* at a single *special election*.

Section 61. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding Section 27.1043, to read as follows:

**27.1043 Voter Adoption of Initiated Legislative Act**

Except as provided in the California Constitution or the San Diego City Charter, any legislative act proposed by an initiative *petition* or directly by the City *Council* shall be adopted by majority vote.

Section 62. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby

amended by amending and renumbering Sections 27.2527 and 27.2526 to Sections 27.1044 and 27.1045, to read as follows:

**27.1044 Conflicting Provisions in Initiated Legislative Acts**

If the provisions of two or more legislative acts proposed by initiative *petitions* or directly by the City *Council* and adopted at a single *special election* conflict, only the act receiving the highest number of votes shall take effect.

**27.1045 Effective Date of Initiated Legislative Act Following Special Election**

A legislative act proposed by an initiative *petition* or directly by the City *Council* which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date of the *special election*. It shall be effective thirty calendar days after the date of the *special election*, or at the time indicated in the legislative act, whichever is later.

**27.1046 (reserved for future use)**

**27.1047 (reserved for future use)**

Section 63. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2525 and 27.2528 to Sections 27.1048 and 27.1049, to read as follows:

**27.1048 Referendary Provisions Applicable to Initiated Legislative Acts**

Any legislative act proposed by an initiative *petition* and

adopted by the City *Council*, or any legislative act submitted to the voters by the City *Council* with or without having first received a qualifying *petition* therefor, that has been adopted by the voters, shall be subject to the referendary provisions of this article.

**27.1049 Amendment and Repeal of Initiated Legislative Acts**

Unless the legislative act provides otherwise, any legislative act proposed by an initiative *petition* or directly by the City *Council* and adopted by the voters may be amended or repealed only by a vote of the requisite number of voters or by Charter amendment.

Section 64. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding Section 27.1050, to read as follows:

**27.1050 Action by Petition to Amend or Repeal Initiated Legislative Acts**

(a) A *proponent* seeking to repeal, rescind or amend any legislative act previously proposed by an initiative *petition* and adopted by the voters shall use the procedures outlined in this division regarding an initiative *petition* containing the signatures of at least ten percent of the voters of The City of San Diego. Should such a *petition* be presented to the City *Council*, then the City *Council* shall within ten business days of the date of presentation:

(1) adopt a resolution of intention to submit the matter to

the *voters* at a *special election*; and

(2) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

(b) The *special election* may be consolidated with the next *City-wide Primary* or *City-wide General Election* at which the matter can be placed on the ballot; or a *special election* may be called for the purpose of voting on the matter.

Section 65. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2531 to Section 27.1051, to read as follows:

**27.1051 Action by City Council to Amend or Repeal Initiated Legislative Acts**

In addition to the authority granted to the *City Council* by Section 27.1001 of this article, the *City Council* may submit to the *voters* any proposed legislative act which would repeal, rescind or amend any legislative act which the *voters* have previously adopted by virtue of a *special election* held pursuant to the initiative provisions of this article. The *City Council* shall not commence proceedings for such submittal for a period of one year following the adoption of the legislative act by the *voters*.

Section 66. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by renumbering Division 26 to Division 11 [no change in title].

Section 67. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby

amended by retitling and renumbering Section 27.2601 to Section 27.1101, to read as follows:

**27.1101 Subjects of Referendum**

Any legislative act, except acts making the annual tax levy,  
making the annual appropriations, calling or relating to elections,  
or relating to emergency measures, shall be subject to the  
referendum process.

Section 68. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby  
amended by adding new Section 27.1102, to read as follows:

**27.1102 Referendary Petition Circulators**

A referendary *petition* may be circulated for signatures by a  
paid signature gatherer or by a volunteer.

Section 69. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby  
amended by amending and renumbering Section 27.2603 to Section 27.1103, to read as follows:

**27.1103 Time to Begin Circulating Referendary Petition**

A referendary *petition* may not be circulated for signatures  
until the first calendar day following the exercise of the final  
legislative act by the City *Council*.

**27.1104 (reserved for future use)**

**27.1105 (reserved for future use)**

Section 70. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby  
amended by amending and renumbering Sections 27.2604, 27.2605, 27.2606, 27.2607, and  
27.2608 to Sections 27.1106, 27.1107, 27.1108, 27.1109, and 27.1110, to read as follows:



## **27.1106 Contents of Referendary Petition**

(a) Referendary *petition* forms shall be furnished by the *proponent*.

(b) The referendary *petition* shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches and no greater than 8-1/2 by 14 inches.

(c) The referendary *petition* may consist of any number of sections. Each section shall contain items specified in Section 27.1106(c)(1) through (4) in the order specified:

(1) One or more sheets setting forth the questioned legislative act in full, prepared in accordance with Section 27.1107.

(2) A statement of reasons for the *petition*, prepared in accordance with Section 27.1108.

(3) One or more *voter* signature sheets, prepared in accordance with Section 27.1109. Any number of *voter* signature sheets may be incorporated into a *petition* section.

(4) A *circulator*'s affidavit of authenticity, prepared and signed in accordance with Section 27.1112.

(d) The sheets comprising each referendary *petition* section shall be fastened together securely and remain so during circulation for signatures and submittal to the City *Clerk*.

**27.1107 Form of Referendary Petition**

Any referendary *petition* shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

**REFERENDARY PETITION**

**REFERENDUM AGAINST A LEGISLATIVE ACT**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO.**

**TO THE HONORABLE CITY COUNCIL OF THE CITY OF SAN DIEGO:**

We, the undersigned registered voters of The City of San Diego, California, hereby present this petition to the City Council of The City of San Diego, California, and ask that the City Council repeal, or submit to the registered voters of the City for their adoption or rejection that legislative act adopted by the City Council, on the \_\_\_\_ day of \_\_\_\_, of which the following is a full and correct copy:

(NOTE: Here insert full title and text of the legislative act to be referred, the statement of reasons prepared in accordance with Section 27.1108; the *voter* signature sheets prepared in accordance with Section 27.1109; and the *circulator*'s affidavit of authenticity prepared in accordance with Section 27.1112.)

### **27.1108 Form of Statement of Reasons for Referendary Petition**

The statement of reasons shall set forth the reasons for the referendary *petition*. It shall contain no more than 300 words. The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. It shall be signed by the individual proposing the *petition* or, if the *proponent* is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the *proponent* may be reached.

### **27.1109 Form of Voter Signature Sheets for Referendary Petition**

(a) On the right hand side of each *voter* signature sheet, a space at least one inch wide shall be left blank for the City *Clerk's* use in verifying the validity or invalidity of the signatures. *Voter* signature sheets shall be arranged and lined to provide space for each *voter's* signature, each *voter's* printed name, place of each *voter's* residence, and date of each *voter's* signature.

(b) Above the signature portion of each *voter* signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

“NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID  
SIGNATURE GATHERER OR BY A VOLUNTEER.

YOU HAVE THE RIGHT TO ASK.”

(c) The signature portion of the sheet shall be in  
substantially the following form:

Name	Residence	Date	Clerk's Use Only
1. Sign			
Print			
2. Sign			
Print			
3. Sign			
Print			

**27.1110 Signing Voter's Information for Referendary Petition**

Signatures on the *voter* signature sheets shall be executed by *voters* in their own handwriting and each signer shall also affix his or her printed name, date of his or her signature, and place of his or her residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post Office box numbers, business addresses, or mailing addresses are not permitted and, if used, shall make that *voter's* signature invalid.

Section 71. That Chapter II, Article 7 of the San Diego Municipal Code be and is hereby

amended by adding new Section 27.1111, to read as follows:

**27.1111 Circulator's Affidavit of Authenticity for Referendary Petition**

Each referendary *petition* section shall have attached to it  
an affidavit of authenticity of the *circulator*, signed by the  
*circulator* under California perjury laws.

Section 72 That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby  
amended by amending and renumbering Section 27.2609 to 27.1112, to read as follows:

**27.1112 Form of Circulator's Affidavit of Authenticity for  
Referendary Petition**

The *circulator's* affidavit of authenticity shall have the  
following form:

AFFIDAVIT OF AUTHENTICITY

COUNTY OF SAN DIEGO)

STATE OF CALIFORNIA) ss.

Under penalty of perjury I, (printed name of *circulator*),  
declare: That all of the signatures on the voter signature sheets of  
this petition section were made in my presence and were observed  
by me; that all of the sheets constituting this petition section were  
fastened together at the time such signatures were made; that, to  
the best of my knowledge and belief, such signatures are the  
genuine signatures of the individuals who signed the petition; and  
that the signatures were obtained between:

_____	and	_____
(Beginning date of circulation)		(Final date of circulation)
_____		_____
(Circulator's Printed Name)		(Circulator's Signature)
_____		_____
(Circulator's Residence)		(Date Signed by Circulator)

**27.1113 (reserved for future use)**

**27.1114 (reserved for future use)**

Section 73. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2610, 27.2611, 27.2612, and 27.2613 to Sections 27.1115, 27.1116, 27.1117, and 27.1118, respectively, to read as follows:

**27.1115 Signatures on Referendary Petition**

Only *voters* may sign the *voter* signature sheets of a referendary *petition*. Signatures of individuals who are not *voters* shall be invalid.

**27.1116 Withdrawal of Signature from Referendary Petition**

Any individual who has signed a referendary *petition's* *voter* signature sheet may withdraw his or her signature by filing a written request bearing his or her name, address and signature in the Office of the City *Clerk* prior to the deadline for submitting that *petition* under Section 27.1117.

**27.1117 Time for Submitting Referendary Petition to Clerk**

A referendary *petition* may be submitted to the Office of

the City *Clerk* any time within thirty calendar days after the exercise of the final legislative act by the City *Council*.

**27.1118 Submitting Referendary Petition to Clerk**

(a) The referendary *petition* shall be submitted to the Office of the City *Clerk* by the *proponent* of the referendum or by any individual authorized in writing by the *proponent*. All sections of the *petition* shall be submitted at one time.

(b) The statement of reasons prepared in accordance with Section 27.1108 shall be submitted to the Office of the City *Clerk* at the same time as the referendary *petition* is submitted pursuant to this section. The statement of reasons shall include the original signature of the individual initiating the proposed legislative act or, if the *proponent* is an organization, the original signatures of two officers of the organization.

(c) Six copies of the referendary *petition* with unsigned voter signature sheets shall be submitted to the Office of the City *Clerk* at the same time as the *petition* is submitted pursuant to this section.

Section 74. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.1119, to read as follows:

**27. 1119 Acceptance or Rejection of Referendary  
Petition as Filed**

(a) The City *Clerk* shall not accept a referendary *petition* that is not in substantial compliance with this division.

(b) When the referendary *petition* is submitted, the City *Clerk* shall determine that calendar day the number of signatures affixed prima facie to the *petition*.

(1) If the City *Clerk* determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City *Clerk* shall accept the *petition* as filed.

(2) If the City *Clerk* determines that the number of signatures, prima facie, is fewer than the minimum number required, the City *Clerk* shall reject the *petition* and treat it as not filed.

(c) Any referendary *petition* sections not accepted as filed in accordance with Section 27.1119 shall be void for all purposes.

Section 75. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2614 and 27.2617 to Sections 27.1120 and 27.1123, to read as follows:

**27.1120 Verification of Referendary Petition Signatures;  
Time; Random Sampling**

(a) The City *Clerk* shall be allowed a period of thirty calendar days after a referendary *petition* has been accepted as filed to verify the validity or invalidity of signatures.



(b) The random sampling method set forth in the California Elections Code may be used for verification of signatures.

(c) To determine the sufficiency or insufficiency of a referendary *petition*, the City *Clerk* shall only count valid signatures.

(d) If the *circulator's* affidavit of authenticity for any given referendary *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

**27.1121 (reserved for future use)**

**27.1122 (reserved for future use)**

**27.1123 Challenges to Verification of Referendary Petition Signatures**

(a) By submitting a written request to the City *Clerk*, any voter of The City of San Diego may challenge the determination of the sufficiency or insufficiency of a referendary *petition* for which signatures were verified by the random sampling method provided for in Section 27.1120(b).

(b) Any voter making a challenge under Section 27.1123(a) must post with the City *Clerk* such amount of money as is required to fully pay the cost of further verification.

(c) Any challenge and posting of the required payment

shall be made no later than the close of business on the fourth calendar day following the City *Clerk*'s certification of the sufficiency or insufficiency of the referendary *petition* determined in accordance with Section 27.1124.

(d) If the challenge is received and the required payment is made within the time specified, the City *Clerk* shall proceed to verify the validity or invalidity of each signature on the referendary *petition*.

Section 76. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.1124, to read as follows:

**27.1124 Clerk's Certification of Sufficiency or  
Insufficiency of Referendary Petition**

If the City *Clerk* finds a referendary *petition* to contain the requisite number of valid signatures and to be in substantial compliance with this division, he or she shall certify that the *petition* is sufficient, and qualifies for submittal to the *voters*. If the City *Clerk* finds a referendary *petition* to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this division, he or she shall certify that the *petition* is insufficient, and does not qualify for submittal to the *voters*.

Section 77. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby

amended by amending and renumbering Sections 27.2615, 27.2616, 27.2602, 27.2618, 27.2619, 27.2620, and 27.2621 to Sections 27.1125, 27.1126, 27.1129, 27.1130, 27.1131, 27.1132, and 27.1133, respectively, to read as follows:

**27.1125 Notice of Sufficiency of Referendary Petition**

When a referendary *petition* has been certified as sufficient, the City *Clerk* shall send a notice of sufficiency to the *proponent* of the referendum. The City *Clerk* shall then present the *petition*, with the certification attached, to the City *Council* at the next regular City *Council* meeting at which the matter can be placed on the docket.

**27.1126 Notice of Insufficiency of Referendary Petition**

When a referendary *petition* has been certified as insufficient, the City *Clerk* shall send a notice of insufficiency to the *proponent* of the referendum.

**27.1127 (reserved for future use)**

**27.1128 (reserved for future use)**

**27.1129 Number of Referendary Petition Signatures Required for Presentation to City Council**

A referendary *petition* may not be presented to the City *Council* unless it contains the signatures of at least five percent of the voters.

**27.1130 Suspension of Referended Legislative Act**

(a) If a referendary *petition* has been accepted as filed, the referended legislative act shall be suspended until the date on which the City *Clerk* issues a certification of the *petition's* insufficiency; or, if the *petition* is found to be sufficient, the legislative act shall be suspended until it is adopted by the *voters* and becomes effective in accordance with Sections 27.1139 and 27.1140.

(b) If the City *Clerk* issues a certification of the referendary *petition's* insufficiency, the referended legislative act shall become effective immediately; or, if the legislative act is an ordinance, it shall become effective a minimum of thirty calendar days after its adoption by the City *Council*.

(c) If the City *Clerk* issues a certification of the referendary *petition's* sufficiency, the referended legislative act shall become effective in accordance with Sections 27.1139 and 27.1140.

**27.1131 Action by City Council on Referendary Petition**

If the referendary *petition* is presented to the City *Council* by the City *Clerk* at a City *Council* meeting held in accordance with Section 27.1125, then the City *Council* shall within ten business days reconsider the legislative act in question.

**27.1132 Referended Legislative Act to be Submitted to Voters**

If the City *Council* refuses to grant the referendary *petition*

to repeal the legislative act in question or fails to reconsider the act within the time prescribed by Section 27.1131, the *City Council* shall within ten business days of the date of refusal or of the deadline for action prescribed by Section 27.1131, whichever is earlier:

(a) adopt a resolution of intention to submit the matter to the *voters* at a *special election*; and

(b) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

**27.1133 Time for Special Election for Referended  
Legislative Act**

(a) Except as provided in Section 27.1133(b), if a *special election* is called, it shall be held within eleven months of the adoption of the resolution of intention to submit the matter to the *voters*.

(b) If any other *City-wide Primary* or *City-wide General* or *special election* for any purpose at which all the *voters* are entitled to vote is scheduled to be held within eleven months from the date of the adoption of the resolution set forth in 27.1132(a), then the *City Council* may at its discretion submit the legislative act to the *voters* at that *election*.

**27.1134 (reserved for future use)**

**27.1135 (reserved for future use)**

Section 78. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.1136, to read as follows:

**27.1136 Examination Period for Referendary Ballot Materials**

There shall be a public examination period for all *ballot materials* filed with the City *Clerk* for any *measure* to be submitted to the *voters* pursuant to this division. The examination period shall conform to the provisions of Section 27.0402 of this article.

Section 79. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Sections 27.2624 and 27.2623 to Sections 27.1137 and 27.1138, to read as follows:

**27.1137 Special Election for Referended Legislative Act to Conform to Other Elections**

To the extent practicable, when a referended legislative act is submitted to the *voters*, the City *Clerk* shall conduct the *special election* in a manner conforming with other *elections*.

**27.1138 Special Election Not Limited to One Referended Legislative Act**

Any number of legislative acts may be submitted to the *voters* at a single *special election* by the referendary process.

Section 80. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by adding new Section 27.1139, to read as follows:

**27.1139 Voter Adoption of a Referended Legislative Act**

Except as provided in the California Constitution or the San Diego City Charter, a referended legislative act shall be adopted by majority vote.

Section 81. That Chapter II, Article 7, of the San Diego Municipal Code be and is hereby amended by amending and renumbering Section 27.2622 to Section 27.1140, to read as follows:

**27.1140 Effective Date of Referended Legislative Act  
Following Special Election**

A referended legislative act which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date the City *Council* adopts its resolution declaring the results of the *election*. The legislative act shall be effective ten calendar days after the date the resolution is adopted unless an earlier date is specified in the resolution.

Section 82. That Chapter II, Article 7, Division 29, of the San Diego Municipal Code is amended by amending Section 27.2901 by renumbering Section 27.2002 appearing within the text of Section 27.2901, to read Section 27.0102.

Section 83. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 84. Pursuant to Charter sections 16 and 17, because this ordinance relates to elections, it shall take effect and be in force on the day of its introduction.

APPROVED: CASEY GWINN, City Attorney

By Cristie C. McGuire  
Cristie C. McGuire  
Deputy City Attorney

CCM:jrl  
07/12/99  
07/19/99 COR.  
07/28/99 COR. II  
07/29/99 COR. III  
Or.Dept:Clerk  
O-2000-2



OLD LANGUAGE: ~~STRUCK OUT~~

NEW LANGUAGE: UNDERLINED

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY RENUMBERING DIVISION 20 TO DIVISION 1; BY AMENDING AND RENUMBERING SECTIONS 27.2001, 27.2002 AND 27.2003 TO SECTIONS 27.0101, 27.0102, AND 27.0103; BY ADDING NEW SECTIONS 27.0104 AND 27.0105; BY AMENDING AND RENUMBERING SECTIONS 27.2004 AND 27.2005 TO SECTIONS 27.0106 AND 27.0107; BY ADDING NEW SECTION 27.0108; BY AMENDING AND RENUMBERING SECTIONS 27.2006, 27.2007 AND 27.2014 TO SECTIONS 27.0109, 27.0110 AND 27.0111; BY REPEALING SECTIONS 27.2008, 27.2009, 27.2010, 27.2011, 27.2012, 27.2013, 27.2015 AND 27.2016; BY ADDING NEW SECTION 27.0112; BY AMENDING AND RENUMBERING SECTIONS 27.2017, 27.2018, 27.2019, 27.2020, 27.2021, 27.2022 AND 27.2023 TO SECTIONS 27.0113, 27.0114, 27.0115, 27.0116, 27.0117, 27.0118 AND 27.0119; BY ADDING NEW DIVISION 4, TITLED "GENERAL PROVISIONS FOR BALLOTS;" BY ADDING NEW SECTIONS 27.0401, 27.0402, 27.0403, 27.0404, 27.0405, 27.0406, 27.0407, 27.0408, 27.0409, 27.0410, 27.0411 AND 27.0412; BY ADDING NEW DIVISION 5, TITLED "BALLOTS FOR MEASURES;" BY ADDING NEW SECTIONS 27.0501, 27.0502, 27.0503, 27.0504, 27.0505, 27.0506, 27.0507, 27.0508, 27.0509, 27.0510, 27.0511, 27.0512, 27.0513, 27.0514, AND 27.0515; BY AMENDING AND RENUMBERING DIVISION 22 TO DIVISION 6, TITLED "BALLOTS FOR CANDIDATES;" BY ADDING NEW SECTIONS 27.0601 AND 27.0602; BY AMENDING AND RENUMBERING SECTION 27.2201 TO 27.0603; BY ADDING NEW SECTION 27.0604; BY REPEALING SECTIONS 27.2202 AND 27.2203; BY ADDING NEW SECTIONS 27.0605, 27.0606, 27.0607 AND 27.0608; BY AMENDING AND RENUMBERING SECTION 27.2204 TO SECTION 27.0620; BY ADDING SECTIONS 27.0621, 27.0622,

27.0623, 27.0624, 27.0625, 27.0626, 27.0627 AND 27.0628; BY AMENDING AND RENUMBERING SECTION 27.2204.1 TO SECTION 27.0634; BY ADDING NEW SECTION 27.0635; BY AMENDING AND RENUMBERING SECTIONS 27.2205 AND 27.2205.1 TO SECTIONS 27.0636 AND 27.0637; BY REPEALING SECTIONS 27.2206 AND 27.2207; BY ADDING NEW SECTION 27.0638; BY ADDING NEW DIVISION 7, TITLED "GENERAL PROVISIONS FOR FILLING VACANCIES IN ELECTIVE OFFICES;" BY ADDING NEW SECTIONS 27.0701, 27.0702, 27.0703, 27.0704, 27.0705, 27.0706, 27.0707, 27.0708 AND 27.0709; BY AMENDING AND RENUMBERING DIVISION 31 TO READ DIVISION 8, "PROCEDURE FOR FILLING VACANCIES IN ELECTIVE OFFICES BY APPOINTMENT;" BY AMENDING AND RENUMBERING SECTION 27.3101 TO 27.0801; BY REPEALING SECTION 27.3102; BY ADDING NEW SECTION 27.0802; BY AMENDING AND RENUMBERING SECTIONS 27.3103 AND 27.3104 TO SECTIONS 27.0803 AND 27.0804; BY ADDING NEW SECTION 27.0805; BY AMENDING AND RENUMBERING SECTIONS 27.3105, 27.3106, 27.3107 AND 27.3108 TO SECTIONS 27.0806, 27.0807, 27.0808 AND 27.0809 RESPECTIVELY; BY REPEALING SECTION 27.3109; BY AMENDING AND RENUMBERING DIVISION 24 TO DIVISION 9, TITLED "PROCEDURE FOR FILLING VACANCIES IN ELECTIVE OFFICES BY SPECIAL ELECTION;" BY REPEALING SECTIONS 27.2401, 27.2402, AND 27.2403; BY ADDING NEW SECTIONS 27.0901, 27.0902, 27.0903, 27.0904, 27.0905 AND 27.0906; BY AMENDING AND RENUMBERING SECTION 27.2404 TO SECTION 27.0907; BY RENUMBERING DIVISION 25 TO DIVISION 10; BY AMENDING AND RENUMBERING SECTIONS 27.2501, 27.2504, AND 27.0505 TO SECTIONS 27.1001, 27.1002, AND 27.1003; BY ADDING NEW SECTION 27.1004; BY AMENDING AND RENUMBERING SECTIONS 27.2506, 27.0509, AND 27.0508 TO SECTIONS 27.1007, 27.1008, AND 27.1009; BY REPEALING SECTION 27.2507; BY ADDING NEW SECTIONS 27.1010 AND 27.1011; BY AMENDING AND RENUMBERING SECTION 27.2512 TO SECTION 27.1012; BY ADDING NEW SECTION 27.1013; BY AMENDING AND RENUMBERING SECTION 27.2510 TO SECTION 27.1014; BY AMENDING AND RENUMBERING SECTIONS 27.2511 AND 27.2519 TO SECTIONS 27.1017 AND 27.1018; BY ADDING NEW SECTION 27.1019; BY AMENDING AND

RENUMBERING SECTION 27.2513 TO 27.1020; BY ADDING SECTION 27.1021; BY AMENDING AND RENUMBERING SECTION 27.2514 TO SECTION 27.1022; BY ADDING SECTIONS 27.1025 AND 27.1026; BY AMENDING AND RENUMBERING SECTIONS 27.2515 AND 27.2516 TO SECTIONS 27.1027 AND 27.1028; BY AMENDING AND RENUMBERING SECTIONS 27.2502, 27.2520, 27.2503, 27.2521, 27.2522 AND 27.2523 TO SECTIONS 27.1031, 27.1032, 27.1033, 27.1034, 27.1035, AND 27.1036; BY ADDING SECTION 27.1037; BY ADDING SECTION 27.1040; BY AMENDING AND RENUMBERING SECTIONS 27.2530 AND 27.2529 TO SECTIONS 27.1041 AND 27.1042; BY ADDING SECTION 27.1043; BY AMENDING SECTIONS 27.2527 AND 27.2526 TO SECTIONS 27.1044 AND 27.1045; BY AMENDING AND RENUMBERING SECTIONS 27.2525 AND 27.2528 TO SECTIONS 27.1048 AND 27.1049; BY ADDING SECTION 27.1050; BY AMENDING AND RENUMBERING SECTION 27.2531 TO SECTION 27.1051; BY RENUMBERING DIVISION 26 TO DIVISION 11; BY RENUMBERING SECTION 27.2601 TO SECTION 27.1101; BY ADDING NEW SECTION 27.1102; BY AMENDING AND RENUMBERING SECTION 27.2603 TO 27.1103; BY AMENDING AND RENUMBERING SECTIONS 27.2604, 27.2605, 27.2606, 27.2607 AND 27.2608 TO SECTIONS 27.1106, 27.1107, 27.1108, 27.1109, AND 27.1110; BY ADDING NEW SECTION 27.1111; BY AMENDING AND RENUMBERING SECTION 27.2609 TO 27.1112; BY AMENDING AND RENUMBERING SECTIONS 27.2610, 27.2611, 27.2612 AND 27.2613 TO SECTIONS 27.1115, 27.1116, 27.1117, AND 27.1118; BY ADDING NEW SECTION 27.1119; BY AMENDING AND RENUMBERING SECTIONS 27.2614 AND 27.2617 TO SECTIONS 27.1120 AND 27.1123; BY ADDING NEW SECTION 27.1124; BY AMENDING AND RENUMBERING SECTIONS 27.2615, 27.2616, 27.2602, 27.2618, 27.2619, 27.2620, AND 27.2621 TO SECTIONS 27.1125, 27.1126, 27.1129, 27.1130, 27.1131, 27.1132, AND 27.1133; BY ADDING NEW SECTION 27.1136; BY AMENDING AND RENUMBERING SECTIONS 27.2624 AND 27.2623 TO SECTIONS 27.1137 AND 27.1138; BY ADDING NEW SECTION 27.1139; BY AMENDING AND RENUMBERING SECTION 27.2622 TO SECTION 27.1140, ALL RELATING TO ELECTIONS.

## DIVISION 1 20

### Elections--General

#### 27.0101 2001 Purpose and Intent

The purpose and intent of ~~this Chapter 2, Article 7,~~ is to provide an expeditious and complete procedure for the people's right to exercise of the right of the people to the vote. ~~While this Article incorporates by reference the provisions of general law, If there is any ambiguity or contradiction between the provisions of general law and the provisions of this Article, shall be resolved in favor of the provisions of this Article shall govern.~~ The ~~chapters~~ divisions relating to ~~the initiative, the referendum, and the recall~~ (including the initiative provisions relating to Charter amendments) are exclusive as required by ~~the mandate of the Charter.~~

#### 27.0102 2002 Substantial Compliance Sufficient

Substantial compliance with the provisions of this ~~Article~~ shall be deemed sufficient to hold a valid ~~election~~ election.

#### 27.0103 2003 Definitions

Terms specific to this article are defined in this section. Defined terms are noted by italics.

"Ballot Materials" means those items printed on the ballot or in the voter pamphlet relating to measures or candidates.

(a) For ballot measures, ballot materials include the ordinance placing the measure on the ballot, which contains the ballot question. They also include the impartial analysis, if any; the fiscal impact analysis, if any; and arguments for and against the measure, if any.

(b) For candidate elections, ballot materials include the ordinance placing the names of the candidates on the ballot, the ballot designation of the candidate, and the statement of candidate's qualifications.

"Ballot Question" means the condensed statement of a measure being submitted to the voters, as that statement appears on the ballot. The ballot question may or may not be phrased as a question.

a. ~~"Board of Supervisors"~~ "Board of Supervisors" means the Board of Supervisors of the County of San Diego.

"Candidate" means any individual who

(a) is listed on the ballot for *elective office*; or

(b) has begun to circulate nominating *petitions* or authorized others to do so on his or her behalf for nomination for or election to a City office; or

(c) has received a contribution or made an expenditure or authorized another person to receive a contribution or make an expenditure with the intent to bring about his or her nomination for or *election* to any City office; or

(d) is a City office holder who becomes the subject of a recall *election*. A City office holder "becomes the subject of a recall *election*" on the date a notice of intention to circulate a recall *petition* is published pursuant the recall provisions of this article.

b. "City-wide General Election" "*City-wide General Election*" means either of the following:

(a) the election *election* at which the Mayor and City Attorney are elected ~~chosen~~ unless such officers are elected ~~chosen~~ at the *City-wide Primary Election* *Primary Election*; or

(b) a City-wide municipal *election* consolidated with the statewide *election* on the first Tuesday after the first Monday in November of each even-numbered year.

~~Bond propositions and other *measures* may also be submitted at a *City-wide General Election*.~~

e. "City-wide Primary Election" "*City-wide Primary Election*" means the election *election* at which the Mayor and City Attorney are nominated. ~~Bond propositions and other *measures* may also be submitted at a City-wide Primary Election.~~

"Circulator" is an individual who gathers signatures on a nominating, initiative, referendary or recall *petition*. It includes an individual who gathers signatures on a Charter amendment *petition*.

d. "Clerk" "*Clerk*" means the City Clerk of The City of San Diego, ~~or his duly appointed deputy.~~

e. "Council" "*Council*" means the City Council of The City of San Diego.

g. "District General Election" "*District General Election*" means ~~the election an *election*~~ at which Council candidates *Council candidates* are elected ~~chosen~~ unless such officers are elected ~~chosen~~ at the District Primary *District Primary Election*.

f. "District Primary Election" "*District Primary Election*" means ~~the election an *election*~~ at which Council candidates *Council candidates* are nominated.

h. ~~“Election”~~ “Election” means a District or City-wide Primary Election, a District or City-wide General Election, or a special municipal election ~~election~~ held in the City of San Diego, ~~or in It~~ may also mean an election of the San Diego Unified School District.

“Elective Office” means the office of the Mayor, Councilmember, or City Attorney of the City of San Diego. It may include the office of a member of the governing board of the San Diego Unified School District.

“Enforcement Authority” means the City Attorney or other special prosecutor designated by resolution of the City Council. Nothing in this article limits the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this Article under any circumstances where the law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

“Measure” means any City Charter amendment or proposition which is

(a) submitted to a popular vote at a City election by action of the City Council; or

(b) submitted or intended to be submitted to a popular vote at a City election by the procedure of initiative or referendum whether or not it qualifies for the ballot. A measure and a proposition are synonymous.

“Person” has the same meaning as that term is defined in Municipal Code Section 11.0210.

i. ~~“Petition”~~ “Petition” means ~~one or more a document or documents~~ seeking action by the ~~City Council~~ Council or some officer. It includes ~~such as (without limiting the generality of the foregoing)~~ a nominating, initiative, referendary or recall petition.

“Proponent” means the person who proposes an initiative, referendary or recall petition and who has control of the circulation and filing of the petition with the City Clerk. It includes a person who proposes a Charter amendment petition.

j. ~~“Registrar”~~ “Registrar” means the Registrar of Voters of the County of San Diego, or his a duly appointed deputy.

k. ~~“Special Election”~~ “Special Election” means any ~~election~~ election other than a ~~District District or City-wide Primary City-wide Primary Election~~, or ~~District District or City-wide General Election~~ City-wide General Election. It includes all elections to consider ballot measures as well as elections to fill vacancies in elective office and recall elections.

l. ~~“Supplemental Petition”~~ means ~~a document or documents filed any time after the filing of a petition by the person filing such petition, or his designated representative, and relating to the action sought by such petition.~~

m. ~~“Voter”~~ “Voter” means an elector who is qualified and entitled to vote under general law in San Diego Unified School District Board of Education elections or in the City elections elections and who is validly registered at the time he or she seeks to exercise his the right to vote. ~~When a stated percentage of voters is required, that percentage shall be computed as of the date of the next preceding District or City-Wide General Election, excepting petitions to amend the Charter, in which case that percentage shall be computed according to the county clerk’s last official report of registration to the Secretary of State.~~

“Voter Pamphlet” means the voter information pamphlet compiled and distributed with the sample ballot for each election.

#### **27.0104 Computation of Qualified Voters**

Except for petitions to amend the Charter, when a stated percentage of voters is required, that percentage shall be computed using the number of registered voters in the City as of the close of registration for the most recent District or City-wide General Election, starting with the City-wide General Election of November 3, 1998. For petitions to amend the Charter, that percentage shall be computed according to the Registrar’s most recent official report of registration to the Secretary of State.

#### **27.0105 Counting of Words**

When a stated number of words is required by this article, the word count shall be determined using the City Clerk’s published word count guidelines.

#### **27.0106 27.2004 Conduct of Elections to Be Conducted under this Article; Effect of Incorporation of State Law**

(a) All elections elections shall be conducted by the City Clerk Clerk, except that elections elections for members of the governing boards of the San Diego Unified School District and Community College District held in even-numbered years on the same day as the statewide primary and general election shall, pursuant to Education Code Section 5303, be conducted by the Registrar Registrar pursuant to Education Code Section 5303. This includes nomination procedures, and also applies to all special and recall elections.

(b) The procedures for seating members of the governing board of the San Diego Unified School District shall be the same as those for electing or appointing members of the City Council pursuant to this article, unless the governing board, at its option, adopts a resolution to have nominations conducted pursuant to other law.

(c) The procedures for the recall of members of the governing board of the San Diego Unified School District shall be the same as those for the recall of members of the City Council provided by this article, unless the governing board, at its option, adopts a resolution to have

recall elections conducted pursuant to other law.

~~(b) (d)~~ All ~~elections~~ elections shall be conducted under the Charter and this article. The City Clerk and City Council may rely on state elections law for guidance if there is no controlling provision in this article. ~~election laws of the State of California except as specifically provided by the Charter or this Article.~~

#### **27.0107 27.2005 Calling of Elections**

(a) Except as provided in Section 27.0107(b), the ~~City Council~~ Council shall ~~by ordinance~~ call all elections by ordinance and shall specify the purpose ~~or purposes~~ and the time of each such election election . except for

(b) All ~~elections~~ elections for members of the governing board of the San Diego Unified School District ~~and Community College District shall be called by that district, held in even-numbered years on the same day as the statewide primary and general elections.~~

#### **27.0108 Effect of Majority Vote at Primary Election**

All elective officers of the City shall be nominated at a District or City-wide Primary Election. In the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office, the candidate receiving the majority of votes shall be deemed to be, and declared by the City Council to be, elected to such office.

#### **27.0109 27.2006 Precincts**

The voting precincts shall be the precincts established by the ~~Board of Supervisors~~ Board of Supervisors or the Registrar Registrar. ~~The Council may establish different precincts or any number of them.~~

#### **27.0110 27.2007 Precinct Boards**

The precinct boards shall be those established by the Registrar pursuant to election laws of the State of California. The Clerk shall appoint the members of the precinct boards from a list of applicants to be maintained by him or from the list on file in the office of the Registrar.

#### **27.0111 27.2014 Delegation of Duties**

The ~~City Clerk~~ Clerk may delegate to the Registrar Registrar those duties assigned to the ~~City Clerk~~ Clerk by this article which can more properly be performed by the Registrar Registrar.



#### **~~SECTION 27.2008 -- Appointments to Precinct Boards~~**

~~Members of precinct boards will be notified in writing of their appointments and of the location of the polling place by the Clerk.~~

#### **~~SECTION 27.2009 -- Vacancies on Precinct Boards~~**

~~If a vacancy occurs on any precinct board during the progress of the election, the remaining members shall fill the vacancy and immediately notify the Clerk.~~

#### **~~SECTION 27.2010 -- Failure of Member to Appear~~**

~~If none of the members of a precinct board appears at the opening of the polls, the Clerk shall cause a new board to be appointed immediately upon his becoming aware of such fact.~~

#### **~~SECTION 27.2011 -- Location of Polling Place~~**

~~If, upon arriving at the designated polling place, a majority of the precinct board determines that such place cannot be used for the election, the board shall immediately obtain a suitable location as near as possible to the location first designated. The board shall notify the Clerk of the change and shall put a sign in a conspicuous place at the first location to notify voters of the change.~~

#### **~~SECTION 27.2012 -- Alcoholic Beverage Sale Locations Prohibited~~**

~~The Clerk shall not designate and precinct boards may not change polling places to a location where alcoholic beverages are sold or dispersed or which is connected by any opening to a location where alcoholic beverages are sold or dispersed.~~

#### **~~SECTION 27.2013 -- Excused from Service on Board~~**

~~No person who has filed application for and been appointed to membership on a precinct board shall fail to act as a member of such board unless excused for good cause by the Registrar or Clerk.~~

#### **~~SECTION 27.2015 -- Polling Places~~**

~~The Clerk shall designate the polling places to be used for all elections.~~

#### **~~SECTION 27.2016 -- List of Polling Places and Board Members~~**

~~The Clerk shall maintain in his office a list of polling places and precinct board members and shall make the list available for inspection by the public. No other posting or publication shall be necessary.~~

#### **27.0112 Delegation of Authority to Deputy**

Any duty under state law or this municipal code required to be performed by the City Clerk may be performed by an authorized deputy of the City Clerk or by an individual authorized by the City Clerk.

#### **27.0113 27.2017 Retention of Documents**

All papers and documents relating to elections ~~elections which that~~ are maintained by the City Clerk ~~Clerk~~ may be destroyed in accordance with the City Clerk's Records Disposition Schedule, if designated in that schedule, or two years after the date on which they were filed or received or created, whichever is later, ~~with the consent of the City Attorney and providing that, in the Clerk's opinion, the retention of such documents no longer serves any useful purpose.~~ This section shall does not apply to the destruction of official ballots.

#### **27.0114 27.2018 Invalidity of Petition**

No ~~petition~~ petition is valid for use in connection with any election election held after the election election for which the ~~petition~~ petition was circulated.

#### **27.0115 27.2019 Publications**

(a) The City Clerk ~~Clerk~~ shall publish at least once in the official City newspaper:

(a) (1) Ordinances calling elections ~~elections~~, or digests of the ordinances, which publication shall constitute the Notice of Election Election; and

(b) ~~(2)~~ Resolutions declaring the results of all elections elections.

(b) No other publication ~~shall be~~ is required.

#### **27.0116 27.2020 Term of Office**

The term of office for officers elected pursuant to this article at a ~~district or City-wide primary or district or City-wide general election~~ District or City-wide Primary Election, or at a District or City-wide General Election, pursuant to this Article shall be four years. The term of office shall commence at 10:00 o'clock a.m. (local time) on the first Monday after the first calendar day in December following their election the elective officers' election or upon the taking of their oath of office, whichever occurs later. ~~The term of office for officers elected at a special election pursuant to this article shall commence at the time the Council adopts the resolution declaring the results of such election. It shall expire at 10:00 a.m. (local time) on the first Monday after the first calendar day in December of the term's fourth year.~~

**27.0117 27.2021 Map of Councilmanic Districts**

The ~~City Clerk~~ Clerk shall maintain in his office a current map of the City showing the boundaries of each ~~City Council~~ Councilmanic district as most recently established by ordinances of the ~~City Council~~ Council.

**27.0118 27.2022 Redistricting**

No change in the boundaries of ~~City Council~~ Councilmanic districts shall affect the term of office of any ~~City Councilman~~ Councilmember who has been elected and whose terms has not expired at the time of the change.

**27.0119 27.2023 Residency Requirements of Candidates and Elective Officers**

The residency requirements for *elective officers* set forth in Section 7 of the Charter of The City of San Diego having been impliedly rendered invalid by *Johnson v. Hamilton*, 15 Cal. 3d 461 (1975), the following shall apply:

(a) No ~~person individual~~ individual is shall be eligible to run for, or hold the office of Mayor or City Attorney of the City, either by ~~election~~ election or appointment, unless:

(1) ~~That person individual~~ That individual is, at the time of assuming such office, a resident and voter elector of the City of San Diego, and thereof and,

(2) That individual was a registered ~~voter~~ voter of the City at least thirty (30) calendar days prior to the date nomination ~~nominating~~ papers were filed by the ~~candidate~~ candidate pursuant to Section 27.2111 or 27.3209 of the nomination and write-in procedures in this Article or at least thirty (30) calendar days prior to the date of filing an application for appointment to an elective office elective office pursuant to Section 27.3104 0804 of this Article.

(b) No ~~person individual~~ individual is shall be eligible to run for or hold the office of a Councilmember, other than the Mayor, either by ~~election~~ election or appointment, unless:

(1) ~~That person individual~~ That individual is, at the time of assuming such office, a resident and voter elector of the district from which nomination or appointment is sought, and

(2) That individual was a registered voter of the district at least thirty (30) calendar days prior to the date nomination ~~nominating~~ papers were filed by the ~~candidate~~ candidate pursuant to Section 27.2111 or 27.3209 of the nomination and write-in procedures in this article or at least thirty (30) calendar days prior to the date of filing an application for appointment to an elective office elective office pursuant to Section 27.3104 0804 of this article.

**DIVISION 4**  
**General Provisions for Ballots**

**27.0401 Purpose and Intent**

The purpose and intent of this division is to clarify and consolidate all general ballot requirements in one division, and to provide uniform procedures to better ensure a fair and impartial administration of these requirements.

**27.0402 Public Examination of Ballot Materials**

Ballot materials will be available for public examination in the Office of the City Clerk for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. The City Clerk shall post a public notice of the specific dates of any examination period.

**27.0403 Examination Period**

(a) The examination period for ordinances calling any regularly scheduled municipal election and ordinances placing measures on the ballot commences eighty-five calendar days prior to the election and ends on the seventy-fifth calendar day prior to the election.

(b) The examination period for ordinances calling a special election to fill a vacancy in an elective office commences the third business day following the adoption of the ordinance by the City Council and ends on the tenth calendar day thereafter.

(c) The examination period for all other ballot materials commences on the business day following the deadline for filing those ballot materials in the Office of the City Clerk and ends on the tenth calendar day thereafter.

**27.0404 Writ of Mandate**

During the ten-calendar-day examination period provided in Section 27.0402, the City or any voter of the City may seek a writ of mandate or an injunction requiring any or all of the ballot materials to be amended or deleted. A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this article, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law. The City Clerk shall be named as respondent, and the person or official who authored the material in question shall be named as the real party in interest.

#### **27.0405 Sample Ballots**

The City Clerk shall have printed sample ballots in a number sufficient to furnish one copy to each voter in every precinct. Such ballots shall contain the words "Sample Ballot" on their face and shall be a substantial facsimile of the official ballots except in the quality and color of the paper used.

#### **27.0406 Distribution of Sample Ballots**

At least ten calendar days prior to an election, the City Clerk shall cause to be mailed one copy of the sample ballot in the form to be used in each precinct to every voter in such precinct.

#### **24.0407 Recount Provisions**

A recount of any municipal election shall be conducted pursuant to the recount provisions of the California Elections Code.

#### **27.0408 Tie Votes of Ballot Measures**

If it appears from a canvass of the returns of any election that the votes for and the votes against a measure are equal in number, and that measure requires a majority vote, the measure shall be deemed to have failed.

#### **27.0409 Tie Votes of Candidates in a Primary Election**

(a) If the results of the canvass of the returns of any District or City-wide Primary Election or special election reveal that three or more individuals seeking election to one office have received an equal and highest number of votes, the City Clerk shall, after entry of the results of such election by the City Council in its records, notify those individuals receiving the tie vote in writing, and shall summon them before the City Council. Two candidates for the District or City-wide General Election or special election shall be selected by drawing lots in a manner prescribed by the City Council. The City Clerk may draw a lot for any individual who is absent. If a demand for a recount has been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.

(b) If the results of the canvass of the returns of any District or City-wide Primary Election or special election reveal that two candidates have received an equal number of votes to place second in the election, the process to determine which of these candidates will appear on the District or City-wide General Election or special election ballot, shall be substantially the same as the process provided for in Section 27.0409(a).

#### **27.0410 Tie Votes of Candidates in a General or Special Election**

If the results of the canvass of the returns of any *District* or *City-wide General Election* or *special election* reveal that two or more individuals have received an equal and highest number of votes, the *City Clerk* shall, after entry of the results of such *election* by the *City Council* in its records, notify those individuals receiving the tie vote in writing, and shall summon them before the *City Council*. The winner shall be selected by drawing lots in a manner prescribed by the *City Council*. The *City Clerk* may draw a lot for any individual who is absent. If a demand for a recount has been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.

#### **27.0411 Canvass of Returns**

Immediately after an *election*, the *City Clerk* shall cause a canvass of the *election* returns to be made, and shall certify the results of such canvass to the *City Council*, which shall have entered in its records the following:

- (a) The whole number of votes cast in the *City*;
- (b) The names of the *candidates* and the office each sought;
- (c) The *measure* presented; and
- (d) The number of votes cast for each *candidate* and for and against each *measure*.

#### **27.0412 Canvass of Returns to be Made Public**

The results of the canvass of *election* returns shall be made available to the public in the Office of the *City Clerk* immediately upon receipt from the *Registrar*.

### **DIVISION 5** **Ballots for Measures**

#### **27.0501 Purpose and Intent**

The purpose and intent of this division is to clarify and consolidate all provisions for ballot *measures* in one division to better enable administration of these procedures and to provide for public participation in the process.

#### **27.0502 Submission of Ballot Measures at City-wide Elections**

Bond *measures* and other *measures* may be submitted at any *City-wide Primary* or *General Election*, or at any *City-wide special election* held for that purpose.

### **27.0503 Ballot Question Adopted by Council**

The City Council shall decide by ordinance the content of the ballot question for each ballot measure, within the word limit prescribed by the California Elections Code.

### **27.0504 Preparation of Ballot Title and Summary**

(a) The City Council may direct the City Attorney to prepare a ballot title and summary of any proposed measure. If so directed, the City Attorney shall place the title and summary on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed measure.

(b) The title and summary shall not exceed 500 words in length. The ballot title may differ from any other title of the proposed measure.

(c) In providing the ballot title and summary, the City Attorney shall give a true and impartial statement of the purpose of the proposed measure in language that shall not be an argument, or likely to create prejudice, for or against the proposed measure.

(d) The title and summary shall be printed in the voter pamphlet preceding any arguments for and against the proposed measure.

(e) The ballot title and summary constitute "ballot materials" within the meaning of Section 27.0103.

### **27.0505 Preparation of Impartial Analysis**

(a) The City Council may direct the City Attorney to prepare an impartial analysis of any proposed measure. If so directed, the City Attorney shall place the impartial analysis on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed measure.

(b) The analysis shall not exceed 500 words in length.

(c) The City Attorney shall prepare the analysis to show the effect of the measure on existing law and what the measure would do.

(d) If the measure affects the organization or salaries of the Office of the City Attorney, the City Council may direct an appropriate official to prepare the analysis.

(e) The analysis shall be printed in the voter pamphlet preceding any arguments for and against the proposed measure.

(f) In the event the entire text of the measure is not printed on the ballot, nor in the voter pamphlet, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Proposition \_\_\_\_\_. If you desire a copy of the ordinance or measure, please contact the Office of the City Clerk (533-4000)."

A copy will be provided to the requestor at no cost. This requirement may be met by the Clerk's placement of an exact copy of the ordinance or measure on the Internet.

(g) The impartial analysis constitutes "ballot materials" within the meaning of Section 27.0103.

#### **27.0506 Preparation of Fiscal Impact Analysis**

(a) The City Council may direct the City Manager to prepare a fiscal impact analysis of the proposed legislative act. If so directed, the City Manager shall place the fiscal impact analysis on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed legislative act.

(b) The analysis shall not exceed 500 words in length.

(c) The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or an opinion as to whether or not significant change in City finances would result if the proposed measure is adopted.

(d) The analysis shall be printed in the voter pamphlet preceding any arguments for and against the proposed legislative act.

#### **27.0507 Order of Measures on Ballot**

The City Council may by ordinance prescribe the order of measures placed on the ballot. Unless the City Council prescribes otherwise, the order shall be as follows:

(a) Initiative measures, including both measures placed on the ballot by petition and measures placed on the ballot by action of the City Council pursuant to Section 27.1001, in the order in which the ordinances placing the initiative measures on the ballot are adopted by the City Council;

(b) Bond measures in the order in which the ordinances placing them on the ballot are adopted by the City Council;

(c) Charter amendments in the order in which the ordinances placing them on the ballot are adopted by the City Council;

(d) Other legislative measures in the order in which the ordinances placing them on the ballot are adopted by the City Council;

(e) Referendum measures in the order in which the ordinances placing them on the ballot are adopted by the City Council; and



(f) Advisory matters in the order in which the ordinances placing them on the ballot are adopted by the City Council.

#### **27.0508 Written Arguments**

(a) The City Council, or any member or members of the City Council authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any City measure.

(b) The argument shall not exceed 300 words in length.

(c) The argument for and the argument against each measure shall be printed in the voter pamphlet provided with each sample ballot; provided that only those arguments filed pursuant to this section shall be printed in the voter pamphlet and included with the sample ballot. The printed arguments are "ballot materials" within the meaning of Section 27.0103.

(d) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument in Favor Of Proposition \_\_\_\_\_" or "Argument Against Proposition \_\_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. The word "Measure" may be substituted for the word "Proposition" in such titles. Words used in the title shall not be counted when determining the length of any argument.

(e) A ballot argument shall not be false, misleading, or inconsistent with the requirements of this article.

#### **27.0509 Argument Not Accepted without Names**

(a) The City Clerk shall not accept a ballot argument for publication in the voter pamphlet unless it is accompanied by the name of the individual submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

(b) The voter pamphlet shall contain a maximum of five signatures with any argument submitted under this division. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

(c) At least one of the individuals submitting the argument must be a registered voter in the City of San Diego.

### **27.0510 Individuals Signing Arguments on Behalf of Organization**

- (a) An individual shall sign a ballot argument on behalf of an organization.
- (b) A letter authorizing the individual to sign on behalf of the organization shall be filed with the City Clerk at the same time the argument is filed.
- (c) If no letter authorizing the signature is filed with the argument, the individual's and organization's names shall not be used with the argument for publication in the voter pamphlet.
- (d) If no letter authorizing the signature is filed with the argument, and if the individual is the only signer of the argument, then the argument shall not be printed in the voter pamphlet.

### **27.0511 Final Date for Arguments**

The City Clerk shall determine and fix a reasonable date prior to each election after which no arguments for or against any measure may be submitted for printing and distribution to the voters. This deadline shall be based on the time reasonably necessary to prepare and print the arguments and sample ballots, and to permit the ten-calendar-day public examination as provided for in Sections 27.0402 and 27.0403. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

### **27.0512 Priority for Selection if More than One Argument Submitted**

If more than one argument for, or more than one argument against, any measure is submitted to the City Clerk within the time prescribed, the City Clerk shall select one of the arguments in favor, and one of the arguments against, the measure for printing and distribution to the voters. In selecting the argument the City Clerk shall give preference and priority, in the order named, to the arguments of the following:

- (a) The City Council, or member or members of the City Council, including the Mayor, authorized by that body.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

### **27.0513 Council Authorization of Ballot Arguments**

(a) The City Council may by resolution authorize itself or individual members, including the Mayor, to sign a ballot argument in support of or in opposition to any measure placed on the ballot.

(1) The City Council may designate the Mayor to sign the argument on behalf of the Mayor and City Council;

(2) The City Council may designate the Mayor and individual members of the City Council to sign the argument; or

(3) The City Council may designate individual members of the City Council to sign the argument.

(b) Ballot arguments submitted and signed by individual members of the City Council, including the Mayor, but not authorized by resolution of the City Council, will be considered as submitted by individual voters for the purpose of selecting an argument for the sample ballot.

### **27.0514 No Rebuttal Arguments to be Published**

Rebuttal arguments shall not be published in the voter pamphlet and the City Clerk may not accept a rebuttal argument for any City measure.

### **27.0515 Examination Period for Ballot Materials**

There shall be a public examination period for all ballot materials filed with the City Clerk for any measure to be submitted to the voters pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.

## **DIVISION 6 22**

### **Ballots for Candidates**

### **27.0601 Purpose and Intent**

The purpose and intent of this division is to provide guidance to candidates for elective office in the City of San Diego, to provide uniform procedures to better ensure a fair and impartial administration of these requirements, and in order that an informed voter may intelligently elect officeholders.

### **27.0602 Use of Title or Degree Prohibited**

A candidate's title or degree shall not appear on the same line on the ballot as a candidate's name, either before or after the candidate's name for any elective office.

**27.0603 27.2201 Designation of Principal Profession or Occupation Candidate's Title**

~~A candidate who is running for the same elective office which he then holds shall have printed on the ballot, immediately underneath his name, at his option, the word "Incumbent" or not more than four words designating such elective office, or any other words not exceeding four in number designating the principal profession, vocation or occupation of the candidate.~~

~~Candidates for office other than the incumbent may have printed on the ballot in like manner words, not exceeding four in number, designating the principal profession, vocation or occupation of the candidate. The City Clerk shall not permit a designation which would suggest an evaluation of a candidate, such as "outstanding," "leading," "expert," "virtuous," or "eminent." At the time a candidate files his Statement and Affidavit of Nominee, if he desires that his principal profession, vocation or occupation be designated on the ballot, he shall also file with the City Clerk a statement indicating his principal profession, vocation or occupation in not more than four words. Such statement shall be filed on a form provided by the City Clerk and shall contain a declaration by the candidate of the truth thereof. The statement shall be signed under penalty of perjury. The City Clerk shall not be required to verify a candidate's designated profession, vocation or occupation. No candidate shall assume a designation which would mislead the voters. If, at any time prior to the district or City-wide general election, a candidate ceases to engage in the particular profession, vocation or occupation designated in his statement, he shall immediately notify the City Clerk in writing, signed under penalty of perjury, of such fact, and the City Clerk shall, if said notification is received prior to the printing of the district or City-wide general election ballot, remove such designation from the proposed ballot. If the candidate has indicated a new principal profession, vocation or occupation in his notification, the City Clerk shall enter said new designation on the ballot.~~

~~If, at any time prior to the district or City-wide general election, a candidate notifies the City Clerk in writing, signed under penalty of perjury, of his desire to alter the designation selected within the requirements of this section, the City Clerk shall, if said notification is received prior to the printing of the district or City-wide general election ballot, enter such new designation on the ballot.~~

~~Subject to the above provisions, the designation shall remain the same on the ballot for both the district or City-wide primary and district or City-wide general elections.~~

(a) The candidate's designation of principal profession, vocation or occupation constitutes ballot materials within the meaning of Section 27.0103.

(b) If a candidate desires his or her principal profession, vocation or occupation to be printed on the ballot, the candidate shall file with the City Clerk a statement indicating his or her

designation of principal profession, vocation or occupation. Except as provided in Section 27.0603(c)(2), the designation shall not be more than four words. Such statement shall be filed on a form provided by the City Clerk and shall contain a declaration by the candidate of the truth thereof. The statement shall be signed under California perjury laws, and shall be filed at the same time as the nomination papers.

(c) The designation may be only one of the following:

(1) The candidate may designate his or her principal profession, vocation or occupation during the calendar year immediately preceding the filing of nomination papers.

(2) The candidate may use words designating the same city, county, district, state or federal office the candidate holds at the time of filing nomination papers, if the candidate has been elected to that public office, or elected or appointed to that judgeship. There shall be no word count limitation applicable to ballot designations submitted pursuant to Section 27.0603(c)(2).

(3) The candidate may use the word "Incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office.

(4) The candidate may use the phrase "Appointed Incumbent," "Appointed Mayor," or "Appointed City Attorney" if the candidate has been appointed to fill a vacancy in the office of Mayor or City Attorney, and is seeking to be elected to that office at the next election. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."

#### **27.0604 Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation**

The designation of principal profession, vocation or occupation submitted in accordance with this division shall also be subject to the City Clerk's Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation. The City Clerk's Administrative Guidelines shall be based on the Secretary of State's Ballot Designation Regulations, title 2, sections 20710-20719 of the California Code of Regulations, as modified for use in the City of San Diego.

#### **27.2202 - Sample Ballots**

~~The Clerk shall have printed sample ballots in the form of and in a number sufficient to furnish for each precinct one copy to each voter in such precinct. Such ballots shall contain the words "Sample Ballot" on their face and shall be a substantial facsimile of the official ballots except in the quality and color of the paper used.~~

### **27.2203 - Distribution of Sample Ballots**

At least ten days prior to an election, the Clerk shall mail one copy of the sample ballot in the form to be used in each precinct to each voter in such precinct.

### **27.0605 Word Usage in Designation of Principal Profession, Vocation or Occupation**

The designation of principal profession, vocation or occupation shall not contain words such that any of the following would be true:

- (a) The designation would mislead the voter.
- (b) The designation would suggest an evaluation of a *candidate*, such as "outstanding," "leading," "expert," "virtuous," or "eminent."
- (c) The designation abbreviates the word "retired," or places the word "retired" following any word or words which it modifies.
- (d) The designation uses a word or prefix, such as "former" or "ex-," which means a prior status.
- (e) The designation uses the name of any political party, whether or not that party has qualified for the ballot.
- (f) The designation uses a word or words referring to a racial, religious, or ethnic group.
- (g) The designation refers to any activity prohibited by law.

### **27.0606 Notification to Candidate if Designation Violates Restrictions**

The City Clerk has no duty to verify the designation of principal profession, vocation or occupation. If, however, after reviewing the nomination papers, the City Clerk finds the designation to be in violation of any of the restrictions set forth in Sections 27.0603, 27.0604 or 27.0605, the City Clerk shall notify the *candidate*.

- (a) The *candidate* shall, within three business days from the date of such notice, provide additional information to support the designation, if requested by the City Clerk, or provide an alternate designation to the City Clerk.
- (b) In the event the *candidate* fails to provide the additional information or an alternate designation, no designation shall appear after the *candidate's* name on the ballot.

### **27.0607 Changing Designation of Principal Profession, Vocation or Occupation**

A candidate may not change his or her designation of principal profession, vocation or occupation after the final date for filing nomination papers, except as specifically requested by the City Clerk as specified in Section 27.0606 or as provided for in Section 27.0608.

**27.0608 Designation to Remain the Same for Primary and General Election**

The designation of principal profession, vocation or occupation shall remain the same for all purposes of the District or City-wide Primary Election and District or City-wide General Election, unless the candidate, at least ninety-eight calendar days prior to the District or City-wide General Election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

**27.0609 (reserved for future use)**

**27.0610 (reserved for future use)**

**27.0611 (reserved for future use)**

**27.0612 (reserved for future use)**

**27.0613 (reserved for future use)**

**27.0614 (reserved for future use)**

**27.0615 (reserved for future use)**

**27.0616 (reserved for future use)**

**27.0617 (reserved for future use)**

**27.0618 (reserved for future use)**

**27.0619 (reserved for future use)**

**27.0620-27.2204- Statement of Candidates' Qualifications**

~~Candidates for elective office may prepare a statement of qualifications on a form provided by the Clerk. Such statement may include the name, age, occupation and education of the candidate and a brief description of the candidate's qualifications expressed by the candidate and limited to matter concerning only the candidate without reference to opponents or anyone else by name. Such statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations. Such statement, which shall not exceed two hundred words, shall be filed in the office of the Clerk at the following times:~~

~~(a) When nominating papers are returned for filing by candidates whose names will appear on the ballot for a district or City-wide primary election, or~~

~~(b) Within three (3) days following the district or City-wide primary election for candidates who will be on the district or City-wide general election ballot.~~

~~The statement may be withdrawn but not changed during the period for filing the nominating petitions and until 5 p.m. of the next working day after the close of the nomination period or during other prescribed filing periods and until 5 p.m. of the next working day after the close of such period. Statements received by the Clerk shall be kept confidential until the expiration of the filing period.~~

~~If the candidate desires to have his picture appear on his statement of qualifications, he shall submit a black and white, glossy photographic print, preferably 8 by 10 inches in size, but no smaller than 5 by 7 inches in size. Only the head and shoulders portion of the candidate's photograph shall be reproduced on the statement; other images appearing on the photograph submitted shall be excluded by cropping. All pictures in the leaflet containing candidate's statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by the candidate's format for printed materials.~~

~~Printed material on the statements shall be of uniform type size. Boldface type or underlining may be used for emphasis.~~

~~The Clerk shall send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate's qualifications and photograph that is prepared pursuant to this section. The Clerk shall reject any statement which contains: (1) any language or matter the circulation of which through the mails is prohibited by Congress, (2) any mention of party affiliation of the candidate or membership or activity in partisan political organizations, (3) any matter not relating to the candidate, or (4) any mention of opponents or other persons by name. The statement shall not contain any obscene, vulgar, profane, scandalous, libelous or defamatory matter or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship. Nothing contained in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.~~

~~These services shall be provided by the City at no cost to candidates for City elective offices whose names shall appear on the ballot of the district or City-wide primary election and the district or City-wide general election.~~

~~No Statements for Write-in Candidates will be included in the sample ballot.~~



(a) The *candidate's* statement of qualifications constitutes *ballot materials* within the meaning of Section 27.0103.

(b) *Candidates for elective office* may prepare a statement of qualifications on a form provided by the *City Clerk*. Such statement may include the name, age, occupation and education of the *candidate* and a brief description of the *candidate's* qualifications expressed by the *candidate* and limited to matters concerning only the *candidate*.

(c) The statement may include the names of family members. Any other names included in the statement must be authorized in writing by the individual or organization whose name is included in the statement. The consent of an organization shall be signed by an officer or other duly authorized representative of the organization. Such authorization must be filed at the same time as the statement of qualifications or the name will not be permitted in the statement.

(d) The statement shall not exceed 200 words in length. Printed material on the statement shall be of uniform type size. Boldface type or underscoring may be used for emphasis. The statement shall be filed in the Office of the *City Clerk* at the following times:

(1) When nomination papers are returned for filing by *candidates* whose names will appear on the ballot for a *District* or *City-wide Primary Election*, and

(2) Ninety-eight calendar days before the *District* or *City-wide General Election* for *candidates* whose names will appear on the ballot for a *District* or *City-wide General Election*.

(3) Three business days following the primary *election* if a run-off *election* is required pursuant to Section 27.0906 of this article.

#### **27.0621 Certain Content Prohibited in Statement of Qualifications**

(a) The statement of qualifications shall not refer, either directly by name, or indirectly by title, description or other allusion, to any other *candidate* or officeholder or to any other *candidate's* or officeholder's qualifications, character or activities.

(b) The statement of qualifications shall not include the party affiliation of the *candidate* or membership or activity in partisan political organizations.

(c) The statement of qualifications shall not contain language which is prohibited by law to be sent through the mail.

(d) The statement of qualifications shall not contain matter that is unrelated to the *candidate*.

(e) The statement of qualifications shall not contain obscene, vulgar, profane, scandalous,

libelous or defamatory matter or language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward any individual or group of individuals by reason of race, color, religion or manner of worship.

#### **27.0622 Notification to Candidate if Statement of Qualifications Violates Restrictions**

(a) The City Clerk has no duty to verify the statement of qualifications. If, however, after reviewing the nomination papers, the City Clerk finds a portion of the statement of qualifications to be in violation of any of the restrictions set forth in Section 27.0620 or Section 27.0621, the City Clerk shall notify the candidate.

(b) The candidate may, within three business days from the date of such notice, provide an alternate statement to the City Clerk.

(c) In the event the candidate fails to provide alternate language, the statement of qualifications shall appear in the voter pamphlet as amended by the City Clerk to delete those portions of the statement that are in violation.

#### **27.0623 Statement of Qualifications May Be Withdrawn**

(a) The statement of qualifications may be withdrawn but not changed during the period for filing the nomination papers and until 5 p.m. of the next business day after the close of the nomination period or during other prescribed filing periods and until 5 p.m. of the next business day after the close of such period.

(b) Statements received by the City Clerk shall be kept confidential until the expiration of the filing period.

#### **27.0624 Candidate's Photograph**

If the candidate desires to have his or her photograph appear with the statement of qualifications, the candidate shall submit a black and white, glossy photographic print, preferably 8 by 10 inches in size, but no smaller than 5 by 7 inches in size. Only the head and shoulders portion of the photograph shall be reproduced on the statement; other images appearing in the photograph submitted shall be excluded by cropping. All photographs in the voter pamphlet containing candidates' statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by a candidate's format for his or her statement of qualifications.

#### **27.0625 Clerk's Duty to Send Voter Pamphlet**

The City Clerk shall send to each voter, together with the sample ballot, a voter pamphlet which contains the written statements of candidates' qualifications and photographs that are prepared pursuant to this division.

#### **27.0626 Liability for False Statement of Qualifications**

Nothing contained in these sections shall be deemed to make any statement of qualifications or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter pamphlet.

#### **27.0627 Candidate's Statement of Qualifications to Be Provided at No Cost**

The statement of *candidate's* qualifications and photograph shall be provided by the City at no cost to *candidates* for *City elective offices* whose names shall appear on the ballot of the *District* or *City-wide Primary Election*, or the *District* or *City-wide General Election*.

#### **27.0628 No Statement of Qualifications for Write-In Candidates**

No statements of qualifications for write-in *candidates* shall be included in the voter pamphlet.

#### **27.0629 (reserved for future use)**

#### **27.0630 (reserved for future use)**

#### **27.0631 (reserved for future use)**

#### **27.0632 (reserved for future use)**

#### **27.0633 (reserved for future use)**

#### **27.0634-27.2204.1 Listing of Candidates on Ballots**

Names of ~~candidates~~ candidates as they shall be listed on ballots shall be determined in the following manner:

(a) At the ~~Regular City-Wide Primary Election~~ City-wide Primary Election and the ~~City-wide General Election~~ City-wide General Election of the Mayor or City Attorney, or at any ~~City-wide special election~~ special election, the order of the names of ~~candidates~~ candidates shall be rotated by ~~Council~~ Council District so that the first name listed on the ballot in District 1 shall be second in District 2 and the name listed last in District 1 shall be listed first in District 2 and then be second in District 3 and so on through all the districts. The order of the names as they shall be listed in District 1 shall be determined by the City ~~Clerk~~ Clerk by lot.

(b) At any ~~Regular District Primary Election or any District General Election for Councilmanic~~ District Primary Election or any District General Election for Council Office, the order of names of ~~candidates~~ candidates as they shall appear on the ballot shall be determined by the City ~~Clerk~~ Clerk by lot.

### **27.0635 Disqualification of Candidates between Primary and General Election**

If a candidate whose name would appear on the ballot for any District or City-wide General Election or special election dies, withdraws or is disqualified, and if proof is presented to the City Clerk prior to the time the ballots for the District or City-wide General Election or special election are printed, the individual who received the next highest number of votes of those who were candidates for such office in the District or City-wide Primary Election, shall be deemed a candidate, and his or her name shall be printed on the ballot for use at the District or City-wide General Election or special election.

### **27.0636 27.2205 Counting of Write-In Votes**

To clarify the process for selection of ~~candidates~~ candidates described in Section 10 of the Charter of The City of San Diego as modified by *Canaan v. Abdelnour*, 40 Cal. 3d 703 (1986), the following shall apply: Write-in ~~candidates~~ candidates are permitted in all municipal elections elections and special elections special elections. Any name written upon a municipal election election or special election special election ballot, including a reasonable facsimile of the spelling of such name, shall be counted ~~unless prohibited by Section 27.0637 of this article;~~ for the office for which it was written, if it is written in the blank space provided therefor, ~~unless prohibited by the provisions of Section 27.0637 of this article.~~

### **27.0637 27.2205.1 Qualification for Declaration of Write-In Candidacy Required**

A write-in candidate's ~~No~~ name written upon a ballot in any election election shall be counted ~~only if for an office or nomination unless, pursuant to Sections 27.3202, 27.3205, 27.3206 and 27.3207, there has been filed in the Office of the City Clerk, a declaration of write-in candidacy, nomination nominating papers, and filing fee or petition signatures in-lieu of nominating and the filing fee have been filed in the Office of the City Clerk during the filing period for write-in candidates.~~

### **27.2206 - Canvass of Returns**

~~Immediately after an election, the Clerk shall cause a canvass of the election returns to be made, and shall certify the results of such canvass to the Council, which shall have entered in its records the following:~~

- ~~(a) The whole number of votes cast in the City;~~
- ~~(b) The names of the persons running and the office each sought;~~
- ~~(c) The measure presented;~~
- ~~(d) The number of votes cast for each person and for and against each measure;~~
- ~~(e) A statement that the number of votes cast in each precinct for each person and for and against each measure are recorded in the Election Returns Book, which book is hereby authorized and shall be considered a part of the Council's records.~~

## **27.2207 - Canvass of Returns to be Made Public**

The results of the canvass of election returns shall be made available to the public in the office of the Clerk immediately upon receipt by him from the Registrar.

## **27.0638 Examination Period for Ballot Materials**

There shall be a public examination period for all *ballot materials* filed with the *City Clerk* for any *candidate election* pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.

## **DIVISION 7**

### **General Provisions for Filling Vacancies in Elective Offices**

#### **27.0701 Purpose and Intent**

The Charter of The City of San Diego requires the *City Council* to fill a vacancy in the offices of the Mayor and City Attorney within thirty business days by appointment; and failing to do so within that time, the *City Council* is required to immediately cause an *election* to be held to fill such vacancy. The Charter provides that if a vacancy occurs in the office of a *City Council* District and there is one year or less remaining in the term, the *City Council* shall appoint an individual to fill the vacant seat. If the vacancy occurs with more than one year remaining in the term, the Charter requires the *City Council* to call a *special election* to fill such vacancy. The purpose and intent of this division is to establish uniform provisions for filling a vacancy in any *elective office*.

#### **27.0702 Reason for Vacancy**

A vacancy may occur as a result of death, resignation, un-excused absences, or a recall *election*.

#### **27.0703 Date of Vacancy**

(a) If a vacancy occurs by reason of resignation, the date of the vacancy will be the date specified in the written letter of resignation or, if there is no date certain specified in the letter, upon the date of receipt of the letter by the *City Clerk*.

(b) If a vacancy occurs by reason of death or un-excused absences, the date of the vacancy will be the date of adoption of the *City Council's* Declaration of Vacancy.

#### **27.0704 Council to Adopt Declaration of Vacancy**

As soon as it is known that a vacancy exists in any *elective office* by reason of death or

un-excused absences, the City Council shall adopt a Declaration of Vacancy at its next regularly scheduled meeting, or at a special meeting called for that purpose. The Declaration of Vacancy shall include the name of the *elective office* that is vacant and the reason for the vacancy.

#### **27.0705 Alternative of Appointment or Election**

(a) As soon as it is known that there will be a vacancy in the office of the Mayor or City Attorney of The City of San Diego, for any reason other than a successful recall *election*, the presiding officer of the City Council shall, at the next regularly scheduled City Council meeting, or at a special meeting called for that purpose, consider the question of whether the vacancy shall be filled by appointment or *special election*.

(b) As soon as it is known that there will be a vacancy in the office of a Councilmember of The City of San Diego, for any reason other than a successful recall *election*, the decision to fill the vacancy by appointment or *special election* shall be determined by the length of time remaining in the term of office, pursuant to City Charter section 12.

#### **27.0706 Letter of Resignation May be Withdrawn**

A letter of resignation containing an effective date may be withdrawn in writing if that request is filed with the City Clerk as follows:

(a) In the event the letter of resignation relates to the office of Mayor or City Attorney, no later than the business day before the City Council meets in accordance with Section 27.0705(a); or

(b) In the event the letter of resignation relates to the office of a City Councilmember and an *election* is required by the City Charter, no later than the business day before the City Council calls a *special election* pursuant to Section 27.0902 of this article; or

(c) In the event the letter of resignation relates to the office of a City Councilmember and the vacancy will be filled by appointment in accordance with the City Charter, no later than the deadline established by the City Clerk for filing appointment application forms pursuant to Section 27.0802.

#### **27.0707 Procedures to Fill Vacancy**

(a) When a vacancy is to be filled by appointment, the City Council shall fill such vacancy in accordance with the provisions set forth in Division 8 of this article.

(b) When a vacancy is to be filled by *special election*, the City Council shall fill such vacancy in accordance with the provisions set forth in Division 9 of this article.

(c) When a vacancy occurs by reason of a successful recall *election*, the City Council

shall fill such vacancy in accordance with the provisions set forth in the recall provisions of this article.

#### **27.0708 Effect of Redistricting on Filling a Vacancy in Council Office**

If a vacancy occurs for any reason, and if redistricting has occurred between the date of the election of the officeholder and the date of the vacancy, the redistricting will have no effect on the boundaries used to determine who is eligible to fill the vacancy, either by appointment or special election. The boundaries used to fill the vacancy will be the same as those used in the original election, and all the following requirements shall be met:

(a) A candidate for appointment or election will be a resident and voter from within the district boundaries as they existed prior to redistricting.

(b) In order to be counted as valid, nominating signatures must come from voters registered within the district boundaries as they existed prior to redistricting.

(c) A special election held to fill a vacancy will be held within the district boundaries as they existed prior to redistricting.

#### **27.0709 Term of Office**

(a) The term of office for an individual elected to fill a vacancy pursuant to Division 9 of this article shall commence at the time the City Council adopts the resolution declaring the results of such election to the vacant office, and shall expire at 10:00 a.m. on the first Monday after the first calendar day in December following the next District or City-wide General Election to fill that office, at the same time that the terms of other elective officers expire.

(b) The term of office for an individual appointed to fill a vacancy pursuant to Division 8 of this article shall commence at the time the City Council adopts the resolution appointing that officer to fill the vacancy, and shall expire at 10:00 a.m. on the first Monday after the first calendar day in December following the District or City-wide General Election to fill that office, at the same time that the terms of other elective officers expire.

(c) The City Clerk or other qualified individual shall administer the oath of office to the elected or appointed officer at the time the term of office begins.

### **DIVISION 8 31**

#### **Procedure for Filling Vacancies in Elective Offices by Appointment**

## **27.0801 3101 Purpose and Intent**

The Charter of The City of San Diego requires the City Council to fill a vacancy in the elective offices of the Mayor and the City Attorney within thirty (30) days by appointment and failing to do so within that time, the Council shall immediately cause an election to be held to fill such vacancy. The Charter provides that if a vacancy occurs in the office a Council District and there is one (1) year or less remaining in the term, the Council shall appoint a person to fill the vacant seat. If the Council vacancy occurs with more than one (1) year remaining the term, the Council shall call a special election to fill such vacancy. The purpose and intent of this division is to establish an orderly procedure for the Council City Council to follow in making any appointment to an elective office; and for all persons individuals interested in being appointed to the vacant office to follow in presenting their applications for consideration by the Council City Council; and at the same time to allow for public participation in the selection process. When a Council vacancy occurs with more than one (1) year remaining in the term, the Council shall fill such vacancy in accordance with the provisions set forth in Charter Section 12(h), and in Municipal Code sections 27.2001 through 27.3211 as applicable. If a position is to be filled by appointment, the procedures provided for in this division shall be followed.

## **27.3102 -- Special Meeting to Consider the Alternative of Appointment or Election**

As soon as it is known that there will be a vacancy in the office of the Mayor or City Attorney of The City of San Diego by reason of a resignation or that there exists a vacancy in such elective office by reason of a death or other unexpected circumstance, the presiding officer of the Council shall immediately call a special meeting of the Council to consider the question of whether the vacancy shall be filled by an appointment or an election. In the case of a vacancy in the office of a Council District where there will be less than one (1) year remaining in the term, the presiding officer of the Council shall call a special meeting for the public hearing required by Section 27.3105. In the instance of resignation, a notification containing the effective date of resignation shall be received in the office of the City Clerk for a vacancy to occur. Unless otherwise specified, a resignation is effective when received. If a position is to be filled by appointment, the procedures provided for in this Division shall be followed.

## **27.0802 Deadline for Filing Application Forms**

(a) If a vacancy exists by reason of death or un-excused absences, the deadline for filing application forms with the City Clerk shall be fourteen calendar days after the date of the vacancy, as determined by Section 27.0703(b).

(b) If an actual or expected vacancy will exist by reason of a resignation to take effect at some future time, the deadline for filing applications shall be one of the following:

(1) If there are at least fourteen calendar days between the time of the publication required by Section 27.0803 and the date of vacancy, the deadline shall be the



calendar day before the vacancy occurs;

(2) If there are fewer than fourteen calendar days between the publication required by Section 27.0803 and the date of vacancy, the deadline shall be fourteen calendar days after the date of publication or after occurrence of the vacancy, whichever first occurs.

**27.0803 27.3103 Notice to be Published by Clerk**

(a) If a vacancy exists by reason of death or un-excused absences, and the elective office is to be filled by appointment, the City ~~Clerk~~ Clerk shall publish within five (5) calendar days of the date of occurrence of the vacancy, as determined by Section 27.0703(b), the following notice in a paper of general circulation within the City of San Diego:

A vacancy exists in the office of (Mayor), (Councilmember, 1st through 8th District), or (City Attorney). Interested applicants may obtain information and forms at the Office of the City *Clerk*, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the office of the City *Clerk* by close of business, 5:00 p.m. on (insert date fourteen (14) calendar days after the date of the occurrence of vacancy).

(b) If an actual or expected vacancy will exist by reason of a resignation to take effect at some future time, or by reason of an expected resignation at some future time, the City ~~Clerk~~ Clerk shall publish within a reasonable time the following notice:

A vacancy will exist in the office of (Mayor), (Councilmember, 1st through 8th District), or (City Attorney) on (date vacancy expected to occur). Interested applicants may obtain information and forms at the office of the City *Clerk*, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the Office of the City *Clerk* by close of business, 5:00 p.m. on (insert date of the day before vacancy occurs if at least a fourteen (14) calendar day interval exists between publication and date of vacancy; if not, insert date fourteen (14) calendar days after date of publication or fourteen (14) calendar days after occurrence of vacancy, whichever first occurs).

**27.0804 27.3104 Application Forms and Requirements**

~~(a) Applicants for appointment to elective office shall file with the City Clerk on or before the date for return of applications as published by the City Clerk under Section 27.3103, the following:~~

~~(1) Background information certified by the applicant that it is true and correct under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure disclosing the following:~~

~~(A) Name:~~

~~(B) Address.~~

~~(C) Length of residence at above address and address for past five (5) years if other than above.~~

~~(D) Date of birth.~~

~~(E) Marital status.~~

~~(F) Social Security Number.~~

~~(G) Business or occupation engaged in during the past five (5) years together with address of and dates of service with each such business or occupation.~~

~~(H) Branch, dates and rank at discharge of military service.~~

~~(I) Education from high school to highest level attained together with the name of each educational institution attended and degree or diploma received.~~

~~(J) Statement of Economic Interests Form 721.~~

~~(2) A statement under penalty of perjury from a medical doctor licensed to practice medicine in the State of California describing in general terms the physical and mental health of the applicant and certifying that the applicant is physically and mentally capable of performing the duties of the office applicant is seeking.~~

~~(3) A statement of qualifications not longer than one hundred (100) words expressing in the applicant's own words the reasons why the applicant believes he or she is qualified for the office. Except for the 100 word limit set by San Diego Municipal Code Section 27.3104(a)(3), this statement shall conform to the requirements set forth in Section 27.2204, as it pertains to the contents of the statement.~~

~~(4) A petition with the signatures of fifty (50) registered voters in form and content similar to that required by Section 27.2104 of this Code.~~

~~(5) A statement under penalty of perjury that the applicant complies with the requirements of Section 27.2023 and has been a resident and elector of the City in the case of the Mayor or City Attorney, or of the district in the case of Councilmembers other than the Mayor, for at least thirty (30) calendar days prior to the date of making application for appointment.~~

~~(b) The City Clerk shall furnish each applicant with a copy of this Division and shall advise each applicant of the dates set by the Council for public hearings on the applications.~~

~~(c) The City Clerk shall cause a police and credit check to be conducted on each applicant. Each applicant shall be informed by the City Clerk that a police and credit check will be made on the applicant and that the Council will be informed of the results thereof.~~

Applicants for appointment to elective office shall file with the City Clerk on or before the date for return of applications as published by the City Clerk under Section 27.0803, the following:

(a) Background information certified by the applicant that it is true and correct, signed under penalty of California perjury laws, disclosing the following:

(1) Name.

(2) Current address.

(3) Length of residence at current address, and address for past five years if other than the current address.

(4) Date of birth.

(5) Marital status.

(6) Social Security Number.

(7) Business or occupation engaged in during the past five years together with address of and dates of service with each such business or occupation.

(8) Branch, dates and rank at discharge of military service.

(9) Education starting with high school to highest level attained together with the name of each educational institution attended and any degree or diploma received.

(10) Statement of Economic Interests Form 700.

(b) A statement signed under penalty of California perjury laws from a medical doctor licensed to practice medicine in the State of California describing in general terms the physical and mental health of the applicant and certifying that the applicant is physically and mentally capable of performing the duties of the office the applicant is seeking.

(c) A statement of qualifications not longer than 100 words expressing in the applicant's own words the reasons why the applicant believes he or she is qualified for the office.

(1) Except for the 100 word limit set by Section 27.0804(c), this statement shall conform to the requirements set forth in Sections 27.0620 and 27.0621, as they pertain to the contents of the statement.

(2) The provisions set forth in Section 27.0622 shall apply, except that if the City Clerk finds a portion of the statement of qualifications to be in violation of any of the restrictions set forth in Section 27.0804 and so notifies the candidate, the candidate may, within one business day from the date of such notice, provide an alternate statement to the City Clerk.

(d) A petition with the signatures of fifty registered voters in form and content similar to that required by the nomination procedures in this article.

(e) A statement signed under penalty of California perjury laws that the applicant

complies with the requirements of Section 27.0119 and has been a resident and voter of the City in the case of the Mayor or City Attorney, or of the district in the case of Councilmembers other than the Mayor, for at least thirty calendar days prior to the date of making application for appointment.

#### **27.0805 Responsibilities of the City Clerk**

(a) The City Clerk shall furnish each applicant with a copy of this division and shall advise each applicant of the dates set by the City Council for public hearings on the applications.

(b) The City Clerk shall cause a police check to be conducted on each applicant. Each applicant shall be informed by the City Clerk that a police check will be made on the applicant and that the City Council will be informed of the results thereof.

#### **27.0806 3105 Public Hearings**

Before any appointment to fill a vacancy in an elective office *elective office* may be made, the Council City Council shall hold at least one (1) public hearing for the purpose of considering the applications for appointment. The hearing shall be held a reasonable time after the period for filing applications has ended as provided in Section 27.0802-3103. A second public hearing may be held if there are additional questions or if additional time for discussion is needed by the City Council prior to making the appointment. In the instance of If a vacancy occurs in the office of the Mayor or City Attorney, or in the office of a Council District where there will be less than one (1) year remaining in the term, the date of the public hearing shall be established and set by the Council City Council in the special meeting required to be held to determine whether the vacancy will be filled by an appointment or special election. by Section 27.3102. In the case of a vacancy in the office of a Council District where there will be less than one (1) year remaining in the term, the presiding officer of the Council shall call this hearing. A second public hearing may be held if there are additional questions or if additional time for discussion is needed by the City Council prior to making the appointment.

#### **27.0807 3106 Public Hearing and Appointment**

(a) At the public hearing required by Section 27.0806 3105, each applicant shall be allowed three (3) minutes to make a presentation to the Council City Council in support of the applicant's candidacy for appointment. At the discretion of the presiding officer, City Council members Councilmembers may ask brief questions for clarification concerning either the presentation or matters contained in the application filed with the City Clerk Clerk. Applicants shall also be expected to answer questions from City Councilmembers concerning their candidacy. Such questions may concern but need not be limited to the candidate's candidate's background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues.

(b) At the conclusion of the public hearing or at a later meeting, the ~~Council~~ City Council may ~~then, or at a later meeting~~, adopt a resolution appointing ~~a person~~ an applicant to fill the vacancy.

#### **27.0808-3107 Optional Second Public Hearing and Appointment**

(a) If, during the public hearing required by Section 27.0806 3105, the ~~Council~~ City Council determines that there are too many ~~candidates~~ candidates to consider in a single public hearing, the procedures outlined in Section 27.0808 3107 ~~may~~ shall be used.

(b) Before the conclusion of the first public hearing, the ~~Council~~ City Council shall select at least four (4) but no more than six (6) applicants to appear at the second public hearing. After the selection is made, the presiding officer shall announce the names of the applicants invited to appear at the second public hearing and set the date and time of such hearing.

(c) At the second public hearing, applicants invited to appear shall be expected to answer questions from City Councilmembers concerning their candidacy. Such questions may concern but need not be limited to the ~~candidate's~~ candidate's background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues.

(d) At the conclusion of the second public hearing the ~~Council~~ City Council may then, or at a later meeting, adopt a resolution appointing ~~a person~~ an applicant to fill the vacancy.

#### **27.0809 3108 Election of Appointed Councilmember Prohibited**

Any ~~person~~ individual appointed by the ~~Council~~ City Council to fill a vacant ~~Council~~ City Council District seat shall not be eligible to run for that office for the next succeeding term.

#### **~~27.3109 Ballot Designation of Persons Appointed to Fill Vacancies in the Office of the Mayor or the City Attorney~~**

~~Anything to the contrary in Section 27.2201 notwithstanding, a person appointed to fill a vacancy in the office of the Mayor or the City Attorney, and seeking to be elected to that office at the next election, and desiring to indicate his or her appointed incumbency or the title of the appointed office, shall be designated on the ballot at that election only in such a manner as to indicate that the person occupies such office by virtue of appointment rather than election. Without limitation and purely as examples, acceptable forms of designation are: "Appointed Incumbent," "Appointed Mayor," "Appointed City Attorney." The maximum number of words that may be used as a ballot designation as provided by Section 27.2201 is four.~~

#### **DIVISION 9 24**

**Vacancies Procedure for Filling Vacancies  
in Elective Offices by Special Election**

**27.2401 Disqualification of Candidates**

~~If a candidate for election dies, withdraws or is disqualified, and if proof is presented to the Clerk prior to the time the sample ballots for any election are printed, the person who received the next highest number of votes of those who were candidates for such office shall be deemed a candidate, and his name shall be printed on the sample ballot for the use at the district or City-wide general election.~~

**27.2402 Special Election**

~~If a special election is called by the Council to fill a vacant elective office, the election shall include a district or City-wide primary and a district or City-wide general election and shall be conducted, as far as practical, under the provisions of this Article.~~

**27.2403 Date of Election**

~~Elections called by the Council to fill a vacant elective office shall be held so that the successful candidate shall assume office within one hundred fifty days of the date that the district or City-wide primary election is called.~~

**27.0901 Purpose and Intent**

The purpose and intent of this division is to establish an orderly procedure for the City Council to follow in conducting a *special election* to fill a vacant office. It is the intent of this division that these procedures be the same for filling vacancies in all *elective offices*. This includes the offices of Mayor, City Attorney, and City Council. If a position is to be filled by *election*, the procedures provided for in this division shall be followed.

**27.0902 Special Election to be Called**

If a vacancy occurs for any reason other than a successful recall *election*, and the vacancy is to be filled by *election*, the City Council shall immediately call a *special election* to be held within ninety calendar days of the vacancy, unless there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy. If there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy, the City Council may consolidate the *special election* with that regular *election*.

**27.0903 Nomination Procedures**

Candidate nominations shall be conducted in accordance with the provisions of the nomination

procedures in this article.

#### **27.0904 Special Election to Conform to Other Elections**

To the extent practicable, when a vacancy in any *elective office* is to be filled in accordance with this division, the City Clerk shall conduct the *special election* in a manner conforming to other *candidate election* procedures, including procedures for write-in *candidates*, in this article.

#### **27.0905 If Majority of Votes Cast, Winner Declared**

If one *candidate* receives the majority of votes cast for all *candidates* in the *special election*, the *candidate* receiving the majority of votes cast shall be deemed to be and declared by the City Council to be elected to the vacant office.

#### **27.0906 If No Majority of Votes Cast, Run-off Required**

If no *candidate* receives a majority of votes cast in the *special election*, a special run-off *election* shall be held within forty-nine calendar days of the first *special election*, unless there is a regular municipal, statewide, or countywide *election* scheduled to be held within ninety calendar days of the proposed special run-off *election* date, at which time the City Council may consolidate the special run-off *election* with that regular *election*. The two *candidates* receiving the highest number of votes cast for the vacant seat in the first *special election* shall be the only *candidates* for the vacant seat; and, the names of only those two *candidates* shall be printed on the ballots to be used at the run-off *election*.

#### **27.2404 27.0907 Declaration of Result Date to Assume Office**

The *candidate* receiving the highest number of votes at a special election—deemed elected at either the *special election* or at the special run-off *election* called by the City Council—~~Council~~ to fill a vacant ~~elective office~~ *elective office* shall be declared elected for the unexpired term of his or her predecessor and shall assume his or her office at the time the City Council adopts the resolution declaring the results of such *election* to the vacant office, as soon as he has complied with applicable requirements of the law imposed on candidates at general elections.

### **DIVISION 25 10**

#### **Initiative**

#### **27.2501 27.1001 Subjects of Initiative**

Any proposed legislative act or proposed amendment or repeal of an existing legislative act may be submitted to the Council City Council by an initiative ~~petition~~ *petition* filed in the Office of the Clerk City Clerk. The Council City Council may also submit to the people for vote a proposed legislative act, or proposed amendment or repeal of an existing legislative act, to the

voters without having first received a ~~petition~~ petition therefor.

**27.2504 27.1002 Notice of Intention to be Published**

No ~~An~~ initiative ~~petition~~ petition may ~~not~~ be circulated ~~for signatures in the City~~ until the ~~proponents have~~ proponent has published at least once in a daily newspaper of general circulation a notice of intention to do so. The notice of intention shall contain the proposed legislative act in full and a ~~the~~ statement of reasons for the ~~petition~~ petition prepared in accordance with Section 27.1010 containing, in three hundred ~~(300)~~ words or less, the reasons for the petition. The statement must be signed by the individual proposing the petition, or in the case of an organization, by two officers.

**27.2505 27.1003 Notice of Intention, Signed Statement of Reasons, and Affidavit of Publication to be Filed with Clerk**

(a) Within ten calendar days after publication of the notice of intention to circulate an initiative ~~petition~~ petition for signatures, the ~~proponents~~ proponent shall file, ~~in the office of the Clerk,;~~

(1) a copy of the notice, ~~and the statement~~ as published,;

(2) the statement of reasons prepared in accordance with Section 27.1010 and the original signature of the individual initiating the proposed legislative act or, if the proponent is an organization, the original signatures of two officers of the organization; and

(3) an affidavit of publication. The affidavit of publication shall be in a form satisfactory for the Clerk's City Clerk's verification of publication.

(b) All documents specified in Section 27.1003(a) shall be filed in the Office of the City Clerk.

**27.1004 Initiative Petition Circulators**

An initiative petition may be circulated for signatures by a paid signature gatherer or by a volunteer.

**27.1005** (reserved for future use)

**27.1006** (reserved for future use)

**27.2506 27.1007 Circulation of Time to Begin Circulating Initiative Petition**

An initiative ~~petition~~ petition may ~~not~~ be circulated ~~for signatures on~~ until:



(a) the twenty-first calendar day after publication of the notice of intention ~~and statement;~~  
and

(b) the filing requirements of Section 27.1003 have been met.

**27.2509 27.1008 Petition Contents - Initiative Contents of Initiative Petition**

(a) Initiative ~~petition~~ petition forms shall be furnished by the ~~proponents~~ proponent.

(b) The ~~initiative petition~~ petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches ~~or~~ and no greater than 8-1/2 by 14 inches.

(c) The ~~initiative petition~~ petition may consist of any number of sections. Each section shall contain the following items specified in Section 27.1008(c)(1) through (4) in the order specified:

(a) (1) ~~First, a sheet, or~~ One or more sheets; setting forth the proposed legislative act in full, prepared in accordance with Section 27.1009, ~~and the statement containing the reasons for the petition. The material shall be printed in clear, readable type no less than 10-point.~~

(2) A statement of reasons for the petition, prepared in accordance with Section 27.1010.

(b) (3) ~~Second, One or more voter~~ voter signature sheets, which shall be arranged and lined to provide space for the voter's signature, printed name and place of residence. A space at least one inch wide shall be left blank, on the right hand side of the sheet, for the use of the Clerk in verifying the petition prepared in accordance with Section 27.1011. Any number of ~~voter~~ voter signature sheets may be incorporated in into a ~~petition~~ petition section.

(c) (4) ~~Third, an~~ A circulator's affidavit of authenticity, ~~sheet to be filled out prepared and signed in accordance with Section 27.1014 and signed by the individual who circulated the petition section.~~

(d) The sheets comprising each ~~petition~~ initiative petition section shall be fastened together securely and remain so during circulation for signatures and filing ~~submittal~~ to the City Clerk.

**27.2508 27.1009 Form of Initiative Petition**

Any ~~petition~~ petition initiating a proposed ~~legislation~~ legislative act shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

## INITIATIVE PETITION

To the Honorable City Council of The City of San Diego, ~~California~~:

We, the undersigned registered voters of The City of San Diego, California, by this petition hereby respectfully propose the following ~~legislation~~ legislative act be adopted by the City Council or submitted to the registered voters of The City of San Diego for their adoption or rejection:

(NOTE: Here insert a copy of the published notice of intention containing the proposed ~~legislation~~ legislative act in full followed by the ~~accompanying~~ and the statement of reasons prepared in accordance with Section 27.1010; the ~~voter~~ signature sheets prepared in accordance with Section 27.1011; and the ~~circulator's~~ affidavit of authenticity prepared in accordance with Section 27.1014.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~Signature of Proponent~~ \_\_\_\_\_

~~Residence~~ \_\_\_\_\_ ~~Date~~ \_\_\_\_\_

(NOTE: If an organization is proposing legislation, the statement shall be signed by two officers of the organization.)

### **27.2507 Contents of Petition**

~~An initiative petition shall set forth the proposed legislative act in full, and shall be followed by a statement containing in three hundred words or less, the reasons for the petition. The statement must be signed by the individual proposing the petition, or, the in the case of an organization, by two officers.~~

### **27.1010 Form of Statement of Reasons for Initiative Petition**

The statement of reasons shall set forth the reasons for the initiative *petition*. It shall contain no more than 300 words. The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. It shall be signed by the individual initiating the proposed legislative act or, if the *proponent* is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the *proponent* may be reached.

### **27.1011 Form of Voter Signature Sheets for Initiative Petition**

(a) On the right hand side of each *voter* signature sheet, a space at least one inch wide shall be

left blank for the City Clerk's use in verifying the validity or invalidity of the signatures. Voter signature sheets shall be arranged and lined to provide space for each voter's signature, each voter's printed name, place of each voter's residence, and date of each voter's signature.

(b) Above the signature portion of each voter signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

"NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER  
OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

(c) The signature portion of the sheet shall be in substantially the following form:

<u>Name</u>	<u>Residence</u>	<u>Date</u>	<u>Clerk's Use Only</u>
1. <u>Sign</u>			
<u>Print</u>			
2. <u>Sign</u>			
<u>Print</u>			
3. <u>Sign</u>			
<u>Print</u>			

**27.2512 27.1012 Petitioners' Information - Initiative Signing Voter's Information for Initiative Petition**

Signatures on the voter signature sheets shall be executed by ~~voters~~ voters in their own handwriting and each signer shall also affix his or her printed name, date of his or her signature, and ~~Voters must indicate place of his or her residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained.~~ Post ~~o~~Office box numbers, business addresses, or mailing addresses are not permitted and, if used, shall make that voter's signature invalid.

**27.1013 Circulator's Affidavit of Authenticity for Initiative Petition**

Each initiative petition section shall have attached to it an affidavit of authenticity of the circulator, signed by the circulator under California perjury laws.

**27.2510 27.1014 Affidavit of Authenticity - Initiative Form of Circulator's Affidavit of Authenticity for Initiative Petition**

~~Each initiative petition section shall have attached to it an affidavit of authenticity of the voter circulator in the following form:~~

The circulator's affidavit of authenticity shall have the following form:

### AFFIDAVIT OF AUTHENTICITY

COUNTY OF SAN DIEGO)  
STATE OF CALIFORNIA) ss.

\_\_\_\_\_, under penalty of perjury, says:  
(Printed name of circulator)

Under penalty of perjury I, (printed name of circulator), declare: That I am a registered voter of The City of San Diego, and that all of the signatures on each sheet the voter signature sheets of this petition section were made in my presence and were observed by me, and that all of the sheets constituting this petition section were fastened together at the time such signatures were appended thereto made; and that, to the best of my knowledge and belief, such signatures are the genuine signatures of the persons whose names purpose to be hereunto subscribed, individuals who signed the petition; and that the signatures were obtained between:

\_\_\_\_\_ and \_\_\_\_\_  
(Beginning date of circulation) (Final date of circulation)  
\_\_\_\_\_  
(Residence) (Signature)

\_\_\_\_\_  
(Circulator's Printed Name) (Circulator's Signature)  
\_\_\_\_\_  
(Circulator's Residence) (Date Signed by Circulator)

**27.1015 (reserved for future use)**

**27.1016 (reserved for future use)**

**27.2511 27.1017 Signatures on Initiative Petition**

Only voters voters may sign the voter signature sheets of an initiative ~~petition~~ petition.  
Signatures of individuals who are not voters shall be invalid. Signatures invalidated by the Clerk may not be counted.

**27.2519 27.1018 Withdrawal of Signature from Initiative Petition**

~~Any person signing a petition or supplemental petition~~ individual who has signed an initiative petition's voter signature sheet may withdraw his or her signature by filing a written request bearing his or her name, address and signature in the ~~Office of the City Clerk~~ Office of the City Clerk prior to the time the petition ~~petition~~ or supplemental petition containing his signature is filed.

**27.1019 Time for Submitting Initiative Petition to Clerk**

An initiative petition may be submitted to the Office of the City Clerk any time within 180 calendar days following the publication of the notice of intention to circulate.

**27.2513 27.1020 Duration of Petition's Validity and Filing of Petition Submitting Initiative Petition to Clerk**

~~An initiative petition is valid for a period of one hundred eighty days following the publication of the notice of intention to circulate.~~

(a) ~~The petition~~ initiative petition shall be filed in ~~submitted to~~ the Office of the City Clerk by the ~~proponents~~ proponent of the initiative or by any ~~person or persons~~ individual authorized in writing by the ~~proponents~~ proponent. All sections of the ~~petition~~ petition shall be filed ~~submitted~~ at one time. The Clerk shall not accept a petition that is not in substantial compliance with Sections 27.2504 through 27.2512, and this Section of the Code.

(b) Six copies of the initiative petition with unsigned voter signature sheets shall be submitted to the Office of the City Clerk at the same time as the petition is submitted pursuant to this section.

~~When the petition is presented for filing, the Clerk shall determine the total number of signatures affixed to the petition. If, from this examination the Clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number required, the Clerk shall accept the petition for filing. The petition shall be deemed as filed on that date. Any sections of the petition not so filed shall be void for all purposes.~~

**27.1021 Acceptance or Rejection of Initiative Petition as Filed**

(a) The City Clerk shall not accept an initiative petition that is not in substantial compliance with this division.

(b) When the initiative petition is submitted, the City Clerk shall determine that calendar day the number of signatures affixed prima facie to the petition.

(1) If the City Clerk determines that the number of signatures, prima facie, equals

or is greater than the minimum number required, the City Clerk shall accept the petition as filed.

(2) If the City Clerk determines that the number of signatures, prima facie, is fewer than the minimum number required, the City Clerk shall reject the petition and treat it as not filed.

(c) Any initiative petition sections not accepted as filed in accordance with Section 27.1021 shall be void for all purposes.

**27.2514 27.1022 Verification of Initiative Petition Signatures; Time; Random Sampling**

(a) The City Clerk shall be allowed a period of thirty days calendar days after the filing of an initiative petition has been accepted as filed to examine and verify the validity or invalidity of signatures of the petitioners. He shall indicate on each petition the date on which it was filed and the name of the person by whom it was filed.

(b) Signatures may be verified by use of the random sampling method set forth in Section 3708 of the California Elections Code may be used for verification of signatures.

(c) To determine the sufficiency or insufficiency of an initiative petition, the City Clerk shall only count valid signatures.

(d) If the circulator's affidavit of authenticity for any given initiative petition section has not been signed by the circulator, the signatures on that petition section shall be invalid.

In the event that any elector of the City of San Diego challenges the determination of the sufficiency of the signatures on the petition by the random sampling method, the City Clerk shall proceed to verify the sufficiency of each signature on the petition if the elector so challenging posts with the City Clerk such amount of money as is required to fully pay for the cost of such further verification. Any such challenge of the verification by the random sampling method shall be made no later than the close of business on the fourth day following announcement of the sufficiency.

**27.1023 (reserved for future use)**

**27.1024 (reserved for future use)**

**27.1025 Challenges to Verification of Initiative Petition Signatures**

(a) By submitting a written request to the City Clerk, any voter of The City of San Diego may challenge the determination of the sufficiency or insufficiency of an initiative petition for which signatures were verified by the random sampling method provided for in Section 27.1022(b).

(b) Any voter making a challenge under Section 27.1025(a) must post with the City Clerk such amount of money as is required to fully pay the cost of further verification.

(c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth calendar day following the City Clerk's certification of the sufficiency or insufficiency of the initiative petition determined in accordance with Section 27.1026.

(d) If the challenge is received and the required payment is made within the time specified, the City Clerk shall proceed to verify the validity or invalidity of each signature on the initiative petition.

#### **27.1026 Clerk's Certification of Sufficiency or Insufficiency of Initiative Petition**

If the City Clerk finds an initiative petition to contain the requisite number of valid signatures and to be in substantial compliance with this division, he or she shall certify that the petition is sufficient, and qualifies for presentation to the City Council pursuant to Section 27.1031, or for submittal to the voters pursuant to Section 27.1033. If the City Clerk finds an initiative petition to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this division, he or she shall certify that the petition is insufficient, and does not qualify for submittal to the City Council pursuant to Section 27.1031, or for submittal to the voters pursuant to Section 27.1033.

#### **27.2515 27.1027 Notice of Sufficiency of Initiative Petition**

If an initiative petition is found to contain the requisite number of valid signatures, When an initiative petition has been certified as sufficient, the City Clerk shall so certify and shall send a notice of sufficiency to the proponents proponent of the initiative or their designated representative. The Clerk City Clerk shall then present the petition petition, with the certification attached, to the Council City Council at the next regular Council City Council meeting at which the matter can be placed on the docket.

#### **27.2516 27.1028 Notice of Insufficiency of Initiative Petition**

If an initiative petition is found to contain less than the required number of valid signatures, When an initiative petition has been certified as insufficient, the City Clerk shall so certify and shall send a notice of insufficiency to the proponents or their designated representative proponent of the initiative.

**27.1029**      **(reserved for future use)**

**27.1030**      **(reserved for future use)**

**27.2502 27.1031 Number of Initiative Petition Signatures Required: Submission for Presentation to City Council**

~~No~~ An initiative ~~petition~~ petition ~~shall~~ may not be submitted presented to the ~~Council~~ City Council unless it contains the signatures of at least three percent of the voters.

**27.2520 27.1032 Action by City Council: on Three Percent Initiative Petition**

If the ~~petition~~ initiative petition presented to the ~~Council~~ City Council contains the signatures of at least three percent but less than ten percent of the voters, the ~~Council~~ City Council ~~must~~ shall within ten ~~days~~ business days of the date of presentation approve or reject the legislative act as presented, but may not amend it. The City Council may submit the matter to the voters, but is not required to do so.

**27.2503 27.1033 Number of Initiative Petition Signatures Required: Direct Submission for Submittal to Voters**

~~No~~ An initiative ~~petition~~ petition ~~shall~~ is not required to be submitted to the ~~people~~ voters unless it contains the signatures of at least ten percent of the ~~voters~~ voters.

**27.2521 27.1034 Action by City Council: on Ten Percent Initiative Petition**

If the ~~petition~~ initiative petition presented to the ~~Council~~ City Council contains the signatures of ten percent or more of the ~~voters~~ voters, the ~~Council~~ City Council ~~must~~ shall within ten ~~days~~ business days of the date of presentation ~~approve~~ adopt or reject the legislative act as presented, but may not amend it.

**27.2522 27.1035 Special Election to be Called Initiated Legislative Act to be Submitted to Voters**

If the ~~Council~~ City Council rejects a legislative act proposed by an initiative ~~petition~~ petition containing the signatures of ten percent or more of the ~~voters~~ voters, or fails to act within the time prescribed by Section 27.1034, then the ~~Council~~ City Council shall within ten ~~days~~ business days of the date of rejection or of the deadline for action prescribed by Section 27.1034, whichever is earlier: call a special election at which the act, without alteration, shall be submitted to the people. The special election shall be consolidated with the next election at which the matter can be placed on the ballot and all the voters in the City are entitled to vote

(a) adopt a resolution of intention to submit the matter to the voters at a special election;  
and

(b) direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot.



**27.2523 27.1036 Direct Submission Submittal of Initiated Legislative Act to Voters without Petition**

When ~~Tthe City Council~~ *Council* may submit to the voters of The City of San Diego proposes any legislative act for vote, without a ~~petition~~ *petition* therefor, a proposition for the repeal, amendment or enactment of any legislative act, to be voted upon at any succeeding regular or special election, and if the proposition submitted receives a majority of the votes cast on it at the election, the legislative act shall be repealed, amended or enacted accordingly. A special or City-wide general election may be called for the purpose of voting on the matter it shall be submitted to the voters at a special election scheduled pursuant to Section 27.1037.

**27.1037 Time for Special Election for Initiated Legislative Act**

A special election for an initiated legislative act may be consolidated with the next City-wide Primary or City-wide General Election at which the matter can be placed on the ballot; or a separate special election may be called for the purpose of voting on the matter.

**27.1038 (reserved for future use)**

**27.1039 (reserved for future use)**

**27.1040 Examination Period for Initiative Ballot Materials**

There shall be a public examination period for all ballot materials filed with the City Clerk for any measure to be submitted to the voters pursuant to this division. The examination period shall conform to the provisions of Section 27.0402 of this article.

**27.2530 27.1041 Initiative Special Election for Initiated Legislative Act to Conform to other Other Elections**

To the extent practicable, when a legislative act proposed by an initiative *petition* or directly by the City *Council* is submitted to the voters, ~~The clerk~~ the City Clerk shall conduct the initiative election *special election* in a manner conforming with other ~~municipal elections~~ to the extent practicable.

**27.2529 27.1042 Initiative Special Election Not Limited to One Initiated Legislative Act**

Any number of legislative acts proposed by initiative *petitions* or directly by the City *Council* may be submitted to the people voters at one election a single *special election* by the initiative process.

#### **27.1043 Voter Adoption of Initiated Legislative Act**

Except as provided in the California Constitution or the San Diego City Charter, any legislative act proposed by an initiative *petition* or directly by the City Council shall be adopted by majority vote.

#### **27.2527 27.1044 Conflicting Provisions in Initiated Legislative Acts**

If the provisions of two or more legislative acts proposed by initiative *petitions* or directly by the City Council and adopted at the same election a single *special election* conflict, only the act receiving the highest number of votes shall prevail take effect.

#### **27.2526 27.1045 Effective Date of Initiated Legislative Act Following Special Election**

~~If a proposed legislative act is approved by the voters, the act shall be deemed adopted. The act shall be effective at the time indicated therein or thirty days after the election, whichever is greater.~~ A legislative act proposed by an initiative *petition* or directly by the City Council which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date of the *special election*. It shall be effective thirty calendar days after the date of the *special election*, or at the time indicated in the legislative act, whichever is later.

**27.1046**        **(reserved for future use)**

**27.1047**        **(reserved for future use)**

#### **27.2525 27.1048 Referendary Provisions Applicable to Initiated Legislative Acts**

Any legislative act proposed by an initiative ~~petition~~ *petition* and adopted by the ~~Council~~ *City Council*, or any legislative act submitted to the voters by the ~~Council~~ *City Council* with or without having first received a qualifying ~~petition~~ *petition* therefor, that has been ~~approved~~ adopted by the ~~voters~~ *voters*, shall be subject to the referendary provisions of this article.

#### **27.2528 27.1049 Amendment and Repeal of Initiated Legislative Acts**

Unless the legislative act provides otherwise, Any initiated legislative act proposed by an initiative *petition* or directly by the City Council and adopted by a majority vote of the voters my may be amended or repealed only by a vote of the majority of the voters requisite number of voters or by Charter amendment.

#### **27.1050 Action by Petition to Amend or Repeal Initiated Legislative Acts**

(a) A *proponent* seeking to repeal, rescind or amend any legislative act previously proposed by an initiative *petition* and adopted by the voters shall use the procedures outlined in

this division regarding an initiative *petition* containing the signatures of at least ten percent of the voters of The City of San Diego. Should such a *petition* be presented to the City Council, then the City Council shall within ten business days of the date of presentation:

(1) adopt a resolution of intention to submit the matter to the voters at a *special election*; and

(2) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

(b) The *special election* may be consolidated with the next *City-wide Primary* or *City-wide General Election* at which the matter can be placed on the ballot; or a *special election* may be called for the purpose of voting on the matter.

**27.2531 27.1051 Action by City Council to Amendment and Amend or Repeal Initiated Legislative Acts: Action by Council**

In addition to the authority granted to the ~~Council~~ City Council by Section ~~27.2523~~ 27.1001 of this article, the ~~Council~~ City Council may submit to the ~~people~~ voters any proposed legislative act which would repeal, rescind or amend any legislative act which the ~~people~~ voters have previously ~~approved~~ adopted by virtue of ~~an election~~ a *special election* held pursuant to the initiative provisions of this article. The ~~Council~~ City Council shall not commence proceedings for such ~~submission~~ submittal for a period of one year following the ~~approval~~ adoption of the legislative act by the ~~people~~ voters.

**DIVISION 26 11**

**Referendum**

**27.2601 27.1101 Subjects of Referendum**

[No change to text.]

**27.1102 Referendary Petition Circulators**

A referendary *petition* may be circulated for signatures by a paid signature gatherer or by a volunteer.

**27.2603 27.1103 Time to Begin Circulating Referendary Petition**

A referendary ~~petition~~ *petition* may not be circulated for signatures until the first calendar day following the exercise of the final legislative act by the City ~~Council~~ Council.

**27.1104** (reserved for future use)

**27.1105** (reserved for future use)

**27.2604 27.1106 Contents of Referendary Petition**

- (a) Referendary ~~petition~~ petition forms shall be furnished by the ~~proponents~~ proponent.
- (b) The ~~referendary petition~~ petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches ~~or~~ and no greater than 8-1/2 by 14 inches.
- (c) The ~~referendary petition~~ petition ~~shall~~ may consist of any number of sections. Each section shall contain items specified in Section 27.1106(c) one (1) through four (4) in the order specified:
- (1) ~~First, a sheet, or one~~ One or more sheets; setting forth the questioned legislative act in full, prepared in accordance with Section 27.1107. It shall be printed in clear, readable type no less than 10-point.
  - (2) ~~Second, a~~ A statement of reasons for the ~~petition~~ petition, prepared in accordance with Section 27.1108. It shall be printed in clear, readable type no less than 10-point.
  - (3) ~~Third, a voter~~ One or more voter signature ~~sheet, or sheets,~~ prepared in accordance with Section 27.1109 . Any number of voter voter signature sheets may be incorporated into a ~~petition~~ petition section.
  - (4) ~~Fourth, an~~ A circulator's affidavit of authenticity, ~~to be filled out prepared and signed in accordance with Section 27.2609 27.1112 and signed by the voter who circulated the petition.~~
- (d) The sheets comprising each ~~referendary petition~~ petition section shall be fastened together securely and remain so during circulation for signatures and submittal to the City Clerk.

**27.2605 27.1107 Form of Referendary Petition**

Any referendary ~~petition~~ petition shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

**REFERENDARY PETITION**

REFERENDUM AGAINST A LEGISLATIVE ACT ~~PASSED AND~~ ADOPTED BY  
THE CITY COUNCIL OF THE CITY OF SAN DIEGO.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF SAN DIEGO:

We, the undersigned registered voters of The City of San Diego, California, hereby present this petition to the City Council of The City of San Diego, California, and ask that the City Council repeal, or submit to the registered voters of the City for their ~~approval~~ adoption or rejection that legislative act adopted by the City Council, on the \_\_\_\_ day of \_\_\_\_, of which the following is a full and correct copy:

(NOTE: Here insert full title and text of the ~~measure~~ legislative act to be referred, followed by the ~~accompanying~~ statement of reasons prepared in accordance with Section 27.1108; the voter signature sheets prepared in accordance with Section 27.1109; and the circulator's affidavit of authenticity prepared in accordance with Section 27.1112.)

\_\_\_\_\_  
Signature of Proponent \_\_\_\_\_ Residence \_\_\_\_\_ Date \_\_\_\_\_

**27.2606 27.1108 Form of Statement of Reasons for Referendary Petition**

The statement of reasons shall set forth the reasons for the referendary ~~petition~~ petition. It shall contain no more than ~~three hundred~~ 300 words. ~~The word count shall be calculated in accordance with City Clerk's guidelines.~~ The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. ~~The statement~~ It shall be signed by the individual proposing the ~~petition~~ petition or, if the ~~proponent~~ proponent is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the proponent may be reached.

**27.2607 27.1109 Form of Voter Signature Sheets for Referendary Petition**

(a) On the right hand side of the ~~each voter~~ signature sheet, a space at least one inch wide shall be left blank for the City Clerk's use in verifying the ~~validity or invalidity of the petition signatures.~~ Voter Voter signature sheets shall be arranged and lined to provide space for the ~~voter's~~ each voter's signature, each voter's ~~voter's~~ printed name, place of ~~each voter's~~ voter's residence, and date of ~~each voter's~~ voter's signature.

(b) Above the signature portion of each voter signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

"NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER  
OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

(bc) The signature portion of the ~~Signature~~ sheets shall be in substantially the following form

Name	Residence	Date	Clerk's Use Only
1. Sign			
Print			
2. Sign			
Print			
3. Sign			
Print			

**27.2608 27.1110 Signing Voter's Information for Referendary Petition**

Signatures on the voter signature sheets shall be executed by voters in their own handwriting and each signer shall also affix his or her printed name, date of his or her signature, and place of his or her residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post eOffice box numbers, business addresses, or mailing addresses are not permitted and, if used, shall make that ~~voter's~~ voter's signature invalid. ~~Voters shall also affix the date of their signature.~~

**27.1111 Circulator's Affidavit of Authenticity for Referendary Petition**

Each referendary petition section shall have attached to it an affidavit of authenticity of the circulator, signed by the circulator under California perjury laws.

**27.2609 27.1112 Form of Circulator's Affidavit of Authenticity for Referendary Petition**

The circulator's affidavit of authenticity shall have the following form:

AFFIDAVIT OF AUTHENTICITY

COUNTY OF SAN DIEGO)

STATE OF CALIFORNIA) ss.

Under penalty of perjury I, (printed name of ~~circulator~~ circulator), declare: That ~~I am a registered voter of The City of San Diego;~~ that all of the signatures on each the voter signature sheets of this petition section were made in my presence and were observed by me; that all of the sheets constituting this petition section were fastened together at the time such signatures were made; that, to the best of my knowledge and belief, such signatures are the genuine signatures of the ~~persons~~ individuals who signed the petition; and that the signatures were obtained between:

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original signatures of two officers of the organization.

(c) Six copies of the referendary *petition* with unsigned *voter* signature sheets shall be submitted to the Office of the City *Clerk* at the same time as the *petition* is submitted pursuant to this section.

~~(b) When the petition is submitted, the City Clerk shall determine that day the total number of signatures affixed to the petition.~~

~~(1) If the City Clerk determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City Clerk shall accept the petition as filed.~~

~~(2) If the City Clerk determines that the number of signatures, prima facie, is less than the minimum number required, the City Clerk shall reject the petition and treat it as not filed.~~

~~(d) Any sections of the petition not filed in accordance with Section 27.2613 shall be void for all purposes.~~

#### **SECTION 27. 1119 Acceptance or Rejection of Referendary Petition as Filed**

(a) The City Clerk shall not accept a referendary *petition* that is not in substantial compliance with this division.

(b) When the referendary *petition* is submitted, the City Clerk shall determine that calendar day the number of signatures affixed prima facie to the *petition*.

(1) If the City Clerk determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City Clerk shall accept the *petition* as filed.

(2) If the City Clerk determines that the number of signatures, prima facie, is fewer than the minimum number required, the City Clerk shall reject the petition and treat it as not filed.

(c) Any referendary *petition* sections not accepted as filed in accordance with Section 27.1119 shall be void for all purposes.

#### **27.2614 27.1120 Verification of Referendary Petition Signatures; Time; Random Sampling**

(a) The City Clerk ~~Clerk~~ shall be allowed a period of thirty (30) calendar days after the filing of a referendary *petition* ~~petition~~ has been accepted as filed to examine and verify the validity or invalidity of signatures of signers.



(b) ~~Signatures may be verified by use of the random sampling method set forth in Section 9115 of the California Elections Code. The random sampling method set forth in the California Elections Code may be used for verification of signatures.~~

(c) To determine the sufficiency or insufficiency of a referendary *petition*, the City Clerk shall only count valid signatures.

(d) If the *circulator*'s affidavit of authenticity for any given referendary *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

27.1121 (reserved for future use)

27.1122 (reserved for future use)

**27.2617 27.1123 Challenges to the Determination Verification of Sufficiency or Insufficiency of the Referendary Petition Signatures**

(a) By submitting a written request to the City Clerk *Clerk*, any voter *voter* of ~~the~~ The City of San Diego may challenge the determination of the sufficiency or insufficiency of a referendary *petition* for which the signatures determine were verified by the random sampling method provided for in Section ~~27.2614~~ 27.1120(b).

(b) Any ~~voter~~ *voter* making a challenge under Section 27.1123(a) must post with the City Clerk *Clerk* such amount of money as is required to fully pay the cost of further verification.

(c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth (4<sup>th</sup>) calendar day following ~~announcement of the sufficiency or in sufficiency of signatures~~ the City Clerk's certification of the sufficiency or insufficiency of the referendary *petition* determined in accordance with Section 27.1124.

(d) If the challenge is received and the required payment is made within the time specified, the City ~~Clerk~~ *Clerk* shall proceed to verify the ~~sufficiency~~ validity or invalidity of each signature on the ~~referendary *petition*~~ *petition*.

**27.1124 Clerk's Certification of Sufficiency or Insufficiency of Referendary Petition**

If the City Clerk finds a referendary *petition* to contain the requisite number of valid signatures and to be in substantial compliance with this division, he or she shall certify that the *petition* is sufficient, and qualifies for submittal to the voters. If the City Clerk finds a referendary *petition* to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this division, he or she shall certify that the *petition* is insufficient, and does not qualify for submittal to the voters.

## **SECTION ~~27.2615~~ 27.1125 Notice of Sufficiency of Referendary Petition**

~~If the City Clerk finds a referendary petition to contain the requisite number of valid signatures and to be in proper form~~ When a referendary *petition* has been certified as sufficient, the City Clerk *Clerk* shall so certify and shall send a notice of sufficiency to the *proponent* of the referendum. The City Clerk *Clerk* shall then present the ~~petition~~ *petition*, with the certification attached, to the City Council *Council* at the next regular City Council *Council* meeting at which the matter can be placed on the docket.

## **~~27.2616~~ 27.1126 Notice of Insufficiency of Referendary Petition**

~~If the City Clerk finds a referendary petition to contain less than the requisite number of valid signatures or to be in improper form~~ When a referendary *petition* has been certified as insufficient, the City Clerk *Clerk* shall so certify and shall send a notice of insufficiency to the ~~proponent~~ *proponent* of the referendum.

**27.1127 (reserved for future use)**

**27.1128 (reserved for future use)**

## **~~27.2602~~ 27.1129 Number of Referendary Petition Signatures Required for Presentation to City Council**

A referendary ~~petition~~ *petition* may not be presented to the City Council *Council* unless it contains the signatures of at least five percent of the voters *voters*.

## **~~27.2618~~ 27.1130 Suspension of Referended Legislative Act**

(a) If a referendary ~~petition~~ *petition* has been accepted as filed, the referended legislative act shall be suspended until the date on which the City Clerk *Clerk* issues a ~~notice of certification of the petition's~~ insufficiency; or, if the ~~petition~~ *petition* is found to be sufficient, the legislative act shall be suspended until the legislative act it is approved adopted by the voters *voters* and becomes effective in accordance with Sections ~~27.2622~~ 27.1139 and 27.1140.

(b) If the City Clerk *Clerk* issues a ~~notice of certification of the referendary petition's~~ insufficiency, the referended legislative act shall become effective immediately; or, if the legislative act is an ordinance, it shall become effective a minimum of thirty (~~30~~) calendar days after its adoption by the City Council *Council*.

(c) If the City Clerk *Clerk* issues a ~~certificate of certification of the referendary petition's~~ sufficiency, the referended legislative act shall become effective in accordance with Sections ~~27.2622~~ 27.1139 and 27.1140.

**27.2619 27.1131 Action by City Council on Referendary Petition**

If the referendary petition is presented to the City ~~Council~~ Clerk at a City ~~Council~~ Council meeting held in accordance with Section ~~27.2615~~ 27.1125, then the City ~~Council~~ Council ~~must~~ shall within ten (10) working business days reconsider the legislative act in question.

**27.2620 27.1132 Referended Legislative Act to be Submitted to Voters**

If the City ~~Council~~ Council refuses to grant the referendary petition to repeal the legislative act in question or fails to reconsider the act within ten (10) working days after ~~presentation by the City Clerk~~ the time prescribed by Section 27.1131, the City ~~Council~~ Council shall within ten business days of the date of refusal or of the deadline for action prescribed by Section 27.1131, whichever is earlier:

(a) adopt a resolution of intention to submit the matter to the ~~voters~~ voters at ~~an election~~ a special election; and

(b) direct the City Attorney to prepare an ordinance calling ~~an election~~ a special election to place the matter on the ballot.

**27.2621 27.1133 Time for Special Election for Referended Legislative Act**

(a) Except as provided in Section ~~27.2621~~ 27.1133(b), if ~~an election~~ a special election is called, it shall be held within eleven (11) months of the adoption of the resolution of intention to submit the matter to the ~~voters~~ voters.

(b) If any other ~~City-wide Primary or City-wide General or special election~~ election for any purpose at which all the ~~voters~~ voters are entitled to vote is scheduled to be held within eleven (11) months from the date of the adoption of the resolution set forth in ~~27.2620~~ 27.1132(a), then the City ~~Council~~ Council may at its discretion submit the legislative act to the ~~voters~~ voters at that election.

**27.1134 (reserved for future use)**

**27.1135 (reserved for future use)**

**27.1136 Examination Period for Referendary Ballot Materials**

There shall be a public examination period for all ballot materials filed with the City Clerk for any measure to be submitted to the voters pursuant to this division. The examination period shall conform to the provisions of Section 27.0402 of this article.

**27.2624 27.1137 Referendary Special Election for Referended Legislative Act to Conform to ~~to~~ Other Elections**

To the extent practicable, ~~when a referended legislative act is submitted to the voters,~~ the City Clerk shall conduct the ~~referendary election~~ special election in a manner conforming with other elections.

**27.2623 27.1138 Referendary Special Election Not Limited To One Referended Legislative Act**

Any number of legislative acts may be submitted to the people voters at ~~any one election~~ a single special election by the referendary process.

**27.1139 Voter Adoption of a Referended Legislative Act**

Except as provided in the California Constitution or the San Diego City Charter, a referended legislative act shall be adopted by majority vote.

**27.2622 27.1140 Effective Date of Referended Legislative Act Following Special Election**

~~If a majority of the voters voting on legislative act of the City Council approve that act, it A~~ referended legislative act which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date the City Council Council adopts its resolution declaring the results of the *election*. The legislative act shall be effective ten ~~(10)~~ calendar days after the date the resolution is adopted unless an earlier date is specified in the resolution.

07/29/99 COR. III